

[Hon. Sri T. Prakasam] [14th September 1946]

hereafter, because a new Government has come into office. My hon. Friend, Mr. Rajendra Prasad, is a man who can, even before anything is mentioned, understand the situation for himself, about the condition of his own people. That is why he has fixed a programme to come over to Madras and also go to the States here in the south, so that he may be able to understand things for himself. When he comes here, it would be proper for the Government and also for the people to post him up with the whole situation in Madras, how we have been suffering not in one respect, but in every respect, how we have been treated all along and how we have survived—all this we will have to tell the Hon. Member for Food Supply when he comes here. We thank him, Sir, for his readiness to come over here, and on behalf of you all and on behalf of the hon. Members of the other House as well, we welcome the Hon. Member for Food of the new Interim Government Mr. Rajendra Prasad."

* MR. PRESIDENT :—" The question now is that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, as passed by the Assembly (L.A. Bill No. 2 of 1946) be passed into law."

The motion was put and carried.

(2) MADRAS BUILDINGS (LEASE AND RENT CONTROL) BILL, 1946.

THE HON. SRI R. RAGHAVA MENON :—" Sir, I beg to move that the Madras Buildings (Lease and Rent Control) Bill, 1946, as passed by the Assembly be taken into consideration at once.

" Sir, in commending this Bill for the consideration of this House, I wish to say a few words. This Bill is an emergent measure. There is a scarcity of houses and there is exploitation of the situation by the landlords. It is necessary that there should be control of residential and non-residential buildings. Such control was provided by the orders of 1941 and 1942 and was continued by the two orders, the House Rent Control Order of 1945 and the Non-Residential Buildings Control Order of 1945. These two orders are now in force and they will lapse by the 30th of September with the lapsing of the Defence of India Rules. Conditions have not become better, difficulties continue to exist and a lot of the much-abused 'blackmarketing' is still going on in regard to house rents. Houses are vacant, but they are not available; they are not leased at all unless people are prepared to offer three and four times the normal rent of the buildings. Such conditions do exist to-day. So, it is necessary and I think the public really want this emergent law which will continue the controls in this respect both in regard to the leasing of houses and the fixing of their rents.

14th September 1946] [Hon. Sri R. Raghava Menon]

“ This is only a modest Bill and the Government have tried their best to be fair to the landlords and tenants. It gives a sort of fixity of tenure to the tenants, and they can be evicted only for certain reasons which are given in the Bill in clause 7. The landlords also are given power to evict tenants in cases of real *bona fide* need for them to live in their own houses, if they have no houses in the area available, and in good faith they want to reside in their own houses. So also provision is made for a person, who is in real need of a non-residential building for his own trade, which he is carrying on, to get eviction of the occupant of his building. As regards rent the unit of rent is taken as the rent prevailing between 1939-40 and a small increase from that rent is allowed. Certain percentages of increase are allowed, and there are also various other considerations that have to be taken into account by the Controller. We have given no absolute power to the Controller in the Bill. The word used is ‘ may ’. The power is only optional and he has to look into various other considerations, namely, the circumstances of the case, the rental value of the building, and also the rent that is prevailing for a similar building in the area. For buildings that were built before 1940—residential and non-residential—we have fixed a certain percentage of increase of rent. For buildings built after 1940, we have fixed another rate of increase, because the building materials were more costly after 1940. There is a likelihood of the general public thinking that we have allowed an increase on the existing rent. This is a mistake, because the increase contemplated is from the rates of 1939-40. We have provided for repairs also. We have taken a small power for requisitioning. It is not strict requisitioning, but only a sort of control, which we would have very much liked to extend to all buildings, but all that is impractical, because we thought that it would be an encroachment upon the liberty and privileges of the landlord. So we have said that every landlord when his house falls vacant must notify to Government in writing, and the Government is equally bound to notify him whether that building is necessary for the Government for running any institutions for which accommodation must be provided or for the occupation of any public officer. That is necessary. We find there are a number of cases where Government servants are the tenants, and the landlords of these Government servants are themselves tenants in other houses. In one case eviction is ordered and the tenant, a Government servant, has to surrender his house, but when the thing goes before the Controller he thinks that the tenant, Government servant, is an essential man, and, therefore, eviction is not ordered in his case. There are a number of hard cases like this. So, it is better to have a certain amount of clear understanding. Houses occupied by the Government servants may be ordered to be surrendered to their landlords, who require those houses *bona fide* for their own living. It is necessary that they must be provided with houses. So, it need not be taken that this Bill makes provision only for finding accommodation for Government servants. Certain houses which they now occupy will be available either to the landlords or for others.

[Hon. Sri R. Raghava Menon] [14th September 1946]

It is only for that we have taken that limited power. We are also trying to exercise some amount of control, because it is very difficult to find out which houses are vacant and which are not. No vacant houses are brought to the notice of Government. There are really houses vacant till somebody is prepared to offer 5 or 6 times the rent. Under the bill we have taken power requiring the landlords to notify every house that is vacant, so that we may have a clear idea of the state of conditions that prevail now. They must also notify to the Controller or some other authority authorized by him the tenants that now occupy their buildings. Certainly it is a very difficult task for the authorities to register the names of the tenants, but some sort of statistics is necessary; otherwise we will have no control over these buildings, landlords and tenants. We have also provided for some small penalty because penalty against the man charging black-market rent has to be provided. The penalty provided is three months' simple imprisonment, or Rs. 2,000 fine or both. This is a modest Bill, temporary in nature, urgently needed by the public, and provides as far as possible, reasonable terms so that an easy situation between the landlords and tenants may be created.

"I beg to move that the Bill be taken into consideration, Sir."

* LIEUT.-COL. K. R. K. AYYANGAR:—"This Bill, which is being introduced now, seems to be fair both to the landlord and the tenant. In the Act that is going to expire there were some loopholes of escape for both the landlord and the tenant, and these loopholes have been closed up in this Bill, and I think we will have real justice. There are one or two general observations I would like to make. One is that the present method of having the Collector or his Assistant as the Controller should be replaced by a judicial authority. I say this because the final authority to decide has to review the whole thing from the beginning up to the time it goes to him for decision. So, it would be better to knock off the executive and put the judicial authority from the very beginning to decide these cases. I would suggest that one of the Judges of the City Civil Court may deal with this, and his decision may be taken on appeal to the High Court, and the High Court may finally decide. As we know, when we want to evict a tenant, on the order of the Collector or his Assistant, we will have to go to the City Civil Court to get eviction, and on that we can appeal to High Court. I suggest to the Government to consider the appointment of a judicial authority. After all, we know our present Law Minister Mr. Bhashyam, has been talking on several platforms about the separation of judicial functions from the executive. He may put that into action in this Act, and see how it works. (Laughter.) One more point. There is acute difficulty of getting houses in Madras. May I ask Government why should they not give loans to people to put up houses in suburbs like Saidapet and elsewhere, where there are lands? Government lands may be leased to them to put up houses, and loans given to them, as they do in the case of ryots to dig wells. Government can give loans

14th September 1946] [Lieut.-Col. K. R. K. Ayyangar]

on very moderate rates of interest, viz., 2 or 2½ per cent, and thus encourage people to put up houses for all, not only to Government servants. I am not advocating the cause of Government servants, but I am advocating the cause of the poor, ordinary man, who finds it an impossibility to get a house even if he should pay a high rent. I would suggest also the question of Government financing institutions which give loans for putting up houses. This is a big question, I admit, but there is no harm in giving loans. They can recover the amount by monthly instalments. It may be a 5-year or 10-year plan. It cannot be taken up in a day, because you cannot get the materials. With these words, I congratulate the Minister on having brought this Act which will do justice both to the landlord and tenant."

* DR. U. RAMA RAO :—" Mr. President, Sir, I thank the Hon. Minister for bringing this Bill for solving the housing problem in Madras. Before the war the population of Madras was 4 to 5 lakhs. But to-day after the war the population is between 14 and 15 lakhs, and the same number of houses are in existence. Even if 5 lakhs of persons go away from Madras, how can this large number of people get houses? Further, a larger number of house owners are poor householders, who have no other property, and who live on the rent of their houses, have to take in more tenants, because the cost of living has gone up by 300 per cent and more.

"I have lived in this City for 50 years, and all through these years, there has always been difficulty for people to get houses. The housing problem was such a great problem that myself and the late Dr. Nayar, when we were in the Madras Corporation, proposed the purchase of non-agricultural lands in Mambalam, to put up houses for the poor. Mambalam has now become a place of big men. (The Hon. Sri K. Bhashyam :—" Rich man's paradise! ")

"When Madras was bombed, three lakhs of people left Madras. A large number of houses fell vacant. Gradually, afterwards people began to come in. When they came, there were plenty of houses available. The rent went down by 50 per cent then. Meanwhile the evacuees from Singapore and all other places came in, and when the house owners were about to raise the rent to the ordinary standard, rent control came. So, the rent which the house owners are getting now is not much as somebody remarked treble or four times. The owners are taking the same old rate of rent. There will be some unscrupulous owners who may have increased the rent by 300 per cent. But ordinary house owners have not increased the rent of their houses from what it was before. I myself am a house owner. I have not raised the rent of my house. These poor householders, when the cost of living has gone up, have taken in more tenants, and the houses have got overcrowded. It is impossible to imagine that thirty people are living in a house which is intended for 4. I know the instance of a house where there are 17 tenants—each man has got a room

[Dr. U. Rama Rao] [14th September 1946]

and half a verandah, with one tap and one latrine for all. Just imagine the inconvenience caused. All sorts of diseases in the City of Madras are due to overcrowding. The Minister has promised certain relief to the landlord in the Bill. I wish he had done more, but at the same time I do not want to injure the poor tenants. These poor tenants—getting 30 or 40 rupees a month—are hard hit. It will be a hardship if the rent is increased in their case.

“ Though, Sir, as a house-owner I would like the rent to be increased, but yet at the same time, you must also consider the condition of the poor tenant. To a certain extent, this Bill has increased the rental by 25 per cent, but the rich house-owner may not feel the pinch as much as the poor house-owner. Anyhow, since a beginning has been made, I hope this Bill will not work any great hardship so far as the tenant is concerned. This enactment will however not lessen the condition of the poor people in the City of Madras until and unless a number of houses are built in different localities. In order to solve this problem, Government or the Corporation or Building Societies must come forward with a plan for entrusting the work to big contractors even by giving subsidies, if necessary, for putting up buildings. Otherwise, any amount of punishment of the offenders under this Bill will not do anything. In several houses there are three or four tenants. Originally the population of the City was about five lakhs and now the population has gone up to about fourteen lakhs without a corresponding increase in the number of houses. The only remedy therefore is to build a number of houses in different areas of the City. Otherwise the condition will be so serious that neither this Government nor any other Government can solve the problem.

“ As for the provision of going to the Controller, I may say, I was myself a victim to that. I have got a house in Madras and I wanted that particular house for the use of my son who was not well and who came from the mufassal and he had to be segregated. So, I applied to the Controller for putting me in possession of the House and after about one and a half months, I got a notice from him asking me to appear before him on a particular date at 3 p.m. Accordingly I sent my advocate to appear on my behalf at 3 o'clock on that date, but to my surprise, even at 1 o'clock the case was called and it was dismissed, because the plaintiff was not present. I did not go myself and so I sent my advocate to appear before the Controller and when my advocate represented the matter to him that the case was posted at 3 p.m., the Controller asked him to put in a revision petition. Accordingly, I put in a revision petition which is coming up on the 16th. Such being the case for people like me, I wonder, what will be the case of ordinary house-owners?

“ Another thing in regard to this Bill is the landlord should intimate the Controller as soon as the house falls vacant, but you have no means of knowing when the house falls vacant because, even before a house is likely to fall vacant, other people would have already paid advances and occupied the house. It is said that houses may be required for the use of Government servants. If

14th September 1946]

[Dr. U. Rama Rao]

really Government want houses, they can get any number of houses for Ministers, Parliamentary Secretaries and other officers but why should that condition be put in the Bill, namely, that vacancy should be notified. There are a number of buildings in the City which are available for occupation and all these houses can be utilized by Government, but so far as other people are concerned, unless and until a number of houses are built, there is not going to be much relief. With these few words I support the Bill especially because the Minister has given some relief to the owner as well as to the tenant, though I wish he had given some more relief."

* DR. SYED TAJUDDIN SAHIB BAHADUR :—" Mr. President, Sir, I think the Bill before us is twice blessed. It blesses the landlord on the one side and the tenant on the other, but my feeling is, the landlord stands to be blessed more than the poor tenant himself (interruption). No, not at all. It is my opinion, Sir. Besides I find in it the working of the law of compensation and again, I say, Sir, the law of compensation would work more in favour of the landlord than of the tenant. After all, what does a landlord want? He wants his pound of flesh. I do not say that with regard to all landlords—there are no doubt good landlords and kind landlords, as the hon. Dr. Rama Rao—but I am talking of the generality of cases. I know it because I have had experience—I am also a tenant here in Madras and a number of my friends who are also tenants are of the same view when we compared our notes—and I came to the irresistible conclusion that the landlords are more for the pound of flesh than for anything else. Of course, the Hon. Minister has taken pains to stop the loophole with regard to the vagaries of landlords but still he has not been able to mitigate them to the extent required. For instance, in regard to eviction for non-payment of rent, the time limit of fifteen days has been extended to one month but still there will be *bona fide* cases in which the man might be absent or might have, so to say, fallen ill of typhoid or any such protracted illness or he might have gone to Ceylon, Malaya or to some other foreign place and in such a case, he might not have a proper person to represent him or to pay rent on his behalf in time; or supposing he sends a cablegram or telegram and unfortunately, that telegram does not reach him and the payment of rent is not made in time, what is the remedy? Then he is evicted, he is thrown into the streets and he loses his profession or his business, whereas the landlord is not affected to that extent. After all, he may get payment a day or two late. But look at the other side of the picture and see what happens to the tenant? He is entirely ruined on account of the delay of one or two days in the payment of rent. Sir, formerly under the Defence of India Rules, discretion had been given to the Rent Controller which is sought to be taken away in the present enactment. I would appeal to the Hon. Minister and to the House to pay special attention to this aspect of the question.

" Sir, the hon. Member, Dr. Rama Rao, just now referred to the fact that the population of the metropolis has not only doubled but

[Dr. Syed Tajuddin Sahib Bahadur] [14th September 1946]

trebled, whereas there are no new buildings constructed to meet the demand. Buildings are not mushrooms which can spring up overnight. Take for instance the Mambalam area alone. I have seen with my own eyes more than a thousand sites lying vacant—they are not vacant from the date of the commencement of the World War but are lying vacant for the last fifteen or twenty years. What has the Corporation done or the Government done till now to see that those places are filled up with decent houses? You see that not a little finger is moved in that direction. I therefore suggest that stringent measures ought to be taken in the interests of the population to see that more houses are built. At least in view of the fact that houses built, according to the provisions of this Bill, i.e., after 1st April 1940, will fetch a very liberal, rather a generous enhancement in rent, why not houses be built in these vacant sites? I therefore impress upon this House that some measure be brought forward, if necessary, by compelling the site-owners to put up buildings. In the whole of the City, I have no doubt, there will be at least five to six thousand sites available for putting up such buildings.

“ Now, as regards the separation of the executive from the judiciary, so far as this Bill is concerned, I may say this much. It will work a great hardship to the tenant since the landlord is always a rich man; barring a few widows here and there, who may be counted on our fingers, 90 or 95 per cent of the landlords are generally rich people. (Dr. U. Rama Rao: They are poor people.) (The Hon. Sri T. Prakasam: Poor like Rama Rao.) (Laughter.) That is my opinion, Sir. We know what is happening in Law Courts. Law Courts are, to many people, even to honest people, a ruination. Of course, Law Courts may be places where justice is dealt with, but, so far as the time factor is concerned, and also the cost of litigation is concerned, they are really ruins. (Dr. V. K. John: Not so.) Probably, people who had never been litigants may not appreciate my remarks but people who have once entered the Law Court at least once in their life will support me on this point. By the time the case goes to the City Civil Court and by the time it gets into the High Court, probably the man may not live at all, either the landlord or the tenant. So, Sir, I will be the last man to support that change. Sir, this Defence of India Act has worked for nearly three years but there has been no glaring instance of there having been a number of instances of miscarriage of administration at all. Perhaps my hon. Friend, Dr. Rama Rao, might have gone late to the Controller's Office or his watch might have been behind time and some little mishap would have happened to him and on that account and from that solitary instance, you should not make a general rule and put people under unnecessary and protracted litigation. With these few words, I congratulate the hon. Minister for having brought forward this Bill.”

* MR. R. W. THEOBALD :—“ On a point of information, Sir, the hon. the previous speaker referred to the fact that landlords let houses for a pound of flesh than for anything else. Can he really get a house for a pound of flesh? ”

14th September 1946]

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, as you are aware, I gave notice of a similar Bill, much more favourable to the tenant, some months ago and though it has not yet seen the light of day, I have got now an opportunity of putting forward my point of view which was embodied in that Bill. I am really grateful to the Hon. Minister for bringing in this measure because as our experience shows, a Bill brought forward by Government has always a greater chance of going through the Legislature than a private Bill. (A voice : Absolute chance.) From that point of view I welcome this measure. If the hon. Minister is satisfied in regard to the principles underlying my amendments, I would like him to accept at least some of them which are intended to keep the balance between the landlord and the tenant, yet when he turns round and sees that the doors of the Assembly are closed, as Colonel Iyengar pointed out, he will also see signs are ominous as I see them, but still we have a duty to perform and we shall do it, and if he is not able to accept the amendments, I am sure, seeing at least the reasonableness of the amendments he will very soon realize that some of them are really good. Perhaps the proceedings will reveal to Government that some of the points of view expressed by us ought to have been taken note of earlier. As I said, Sir, this Bill ought to have been referred to a Joint Committee of both Houses. Though, however, that stage is now gone, I only wish to make a few general observations, so that when my amendments are moved, I need not make long speeches.

“ Sir, I would like the Hon. Minister to see that definitions are not very clear in the Bill especially in regard to ‘buildings’. The definition ought to be much more comprehensive as in the previous enactments of the Madras Legislature, where a building is defined in a particular way. Then again, ‘repairs’ are not defined anywhere in the Bill, whether annual ‘repairs’ or extraordinary repairs, but, provision is made regarding amenities. I do not know what they mean by ‘repairs’.”

* DR. V. K. JOHN :—“ On a point of information, Sir, at this stage, when we are discussing the general principles of the Bill, is the hon. Member entitled to discuss details.”

* SRI R. SURYANARAYANA RAO :—“ If my hon. Friend bears with me, he will know that I am speaking only on the general principles.

“ Taking clause 3, sub-section (1) it says :

‘ Every landlord shall, within seven days after his building becomes vacant by the termination of the current tenancy, give notice thereof to the Controller.’

“ I do not know why the Hon. Minister should try to protect the interests of a particular section of the community who are mostly Government servants. It was all right during the period of the war, when owing to the fact that certain services had to be declared essential for the promotion of the war they had to give them all the facilities, but after the war and when the other

[Sri R. Suryanarayana Rao] [14th September 1946]

citizens are equally put to the difficulty of finding accommodation, why should Government servants alone get preference. I remember it has always been the practice when any privilege is to be conferred on any particular section of the community, especially the Government servants, any citizen has every right to ask why should his interests be sacrificed for the sake of Government servants who are only a few in number. I, therefore, take very strong objection to clause 3; it ought not to have been included in a Bill of this kind. If the Minister wants to re-enact certain provisions of the House Accommodation Order, he could have taken those provisions in order to make them available for all citizens irrespective of the fact whether the citizen is a Government servant or not. I think I have satisfied Dr. John that I am not going into the details of the clauses.

“ Then Sir, there is some inconsistency in clause 3 (1). It refers to termination of tenancy. If you go to clause 7 (1), even after the termination of a tenancy, the tenant cannot be evicted. So, if a landlord, as soon as a tenancy is terminated, informs the Controller that the tenancy terminates and the Government take action under section 3, there is section 7 to protect the tenant. In that case, Government will be practically helpless and the purpose is nullified. I am not of course a lawyer like the Hon. the Law Minister and some others. I see some inconsistency.

“ Then in clause 4 (2), which reproduces certain sections of the House Control Order, there are sufficient directions given to the Controller to fix the fair rent. Why should Government enact clause 4 (3) by which the discretion which the Controller would have exercised under clause 4 (2), is tried to be controlled by a direction given under clause 4 (3) as to what extent he should give increase of rent in respect of certain classes of houses and so on. If at all Government wanted, in the interests of the tenants as well as the landlords, they could have fixed the maximum within which the Rent Controller, if he deemed necessary, other conditions being satisfied, may be permitted to give. Already the House Control Order fixed 8½ per cent. But you have created three classes of houses. My objection is to that. Then, Sir, what is the basis for the increase of rents, I have not been able to understand. Is it the cost of living index or, as my hon. Friend, Dr. Tajuddin, said, there are a large number of people, especially widows dependent upon the income from their houses and as the cost of living has increased, they should be enabled to make a living and on that account the tenant is asked to pay more? ”

* DR. SYED TAJUDDIN SAHIB BAHADUR :—“ I did not say there is a large percentage of widows.”

* MR. PRESIDENT :—“ I think the hon. Member said, they can be counted on one's fingers.”

* SRI R. SURYANARAYANA RAO :—“ Sir, what is the basis for this increase? Is it due to the fact that the cost of living has gone up? If the value of the house had been invested in a bank

14th September 1946] [Sri R. Suryanarayana Rao]

or in any concern, a landlord will get only a lesser income than what he is getting on the house—the rate of interest in banks is only $2\frac{3}{4}$, 3 or $3\frac{1}{2}$ per cent, and that is the utmost that he can get. Such being the case, why should the landlord expect from the tenant much more, even double or treble the amount that he would get if he had invested it in any other place.

“ Then, Sir, the Government announced with great gusto that they had given certain relief to the non-gazetted officers, calling it interim relief, of Rs. 3 or Rs. 4. Here is a Bill which increases the rent double and treble, whereas the non-gazetted officers are given only this meagre amount. (The Hon. Sri K. Bhashyam : ‘ The increase is on the rent of 1939–40.) Sir, what is this relief, if it is to receive with one hand and pass it on to the landlord with the other, perhaps in some cases double or treble the amount? Is this fair? I have said that directions have been given to the Controller to see whether there is need for increase. Those directions are enough, but do not fetter his discretion by saying that if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, he should grant an increase of $12\frac{1}{2}$ per cent on such rate or rental value. After all, when you fix a percentage, the landlord being influential, the tendency will be for him to get the utmost possible rent from the tenant. I do not blame the landlords at all; perhaps if I were a landlord, I would do the same thing.

“ Then, Sir, section 6 says, only when the Controller has determined the fair rent of a building, he shall not receive any premium or advance beyond one month's rent. What about the premium in cases where the landlord may not go to the Controller to decide fair rent? I cannot understand it. On the other hand, there should be a general provision saying that no landlord should take more than one month's rent as advance. That is understandable but somehow this qualifying sentence has been introduced. I do not think it is fair to the tenant.

“ Sir, much is made of the fact in regard to people who went away in 1942, and Dr. Rama Rao quoted instances—in this connexion he also quoted his own instance. He cited the case of people who went away from the City in 1942 or afterwards, during the war and who wanted to come back. Perhaps he let his house earlier than 1942 and wanted it for his occupation. Sir, especially in the case of those who ran away in 1942, allowing the tenants to come in and stay in their houses, in spite of the danger and facing all the hardships which life meant in 1942, should they be turned out into the streets simply because it suited the landlords to come back from Chingleput or other places and wanted to occupy them? Is it fair to turn the tenants out into the streets? Is it fair to drive the tenant into the streets simply because the landlord has taken it into his head that Madras is safe and that he should come back and live in his own house? Is it fair to the tenants? A large number of tenants come under this class. Those of us who lived in the City of Madras in 1942 know how people ran away and in order that their houses may be safe, the landlords asked people to occupy them.

[Sri R. Suryanarayana Rao] [14th September 1946]

If the rent has to be increased, the Rent Controller under the Bill is authorized to permit increase to the extent necessary. Simply because the landlord wants to occupy the house, where are the tenants to go? I know there are instances where landlords let out portions of houses so that they may return when they found that Madras was safe. All those tenants are employed in firms and Government offices. Now the landlord wants to occupy the whole house or a portion—I do not blame him for his desire—he wants all the tenants to go out. Under the eviction clause, he is given the power to evict tenants occupying portions. Where are they to go? I do not think that clause, which was not in the original House Rent Control Order of 1941 and later introduced by the Adviser regime in 1945 ought to find a place here, because the situation created by its enforcement will be serious. As the hon. Dr. Rama Rao said, population has increased and the number of houses has not increased commensurate with the increase in population. All people must live, they must work, they must contribute to the life of the City and the towns as well. Where are they to go? Are they to become squatters as in England? We have not got Government buildings for them. Are they to compel the Hon. Prime Minister to take action as the Home Minister in England is being compelled? Where are they to go? I ask the Government to face this. It is wrong to give power to evict tenants simply because the landlord wants to come and occupy the house, having let it out at a time when he wanted to run away from the City. Some provision must be made by which tenants who occupied houses after 1942 shall not be evicted unless for sufficient reasons which the Controller should be apprised of.

“ As housing accommodation is limited, we thought that, if it was possible for friends to accommodate others by taking or not taking rent, it would to some extent solve the housing problem. But there is a clause which says that sub-letting is another ground for eviction. It is true that I had introduced that in my Bill. I confess I was wrong, because I have since come to the conclusion that if people want to adjust among themselves, all that we should see is that the tenant who sub-lets does not make a profit out of the transaction. If I have a huge bungalow and even if a portion of it is given without rent, the landlord will take advantage of it and go to the Rent Controller, and the tenant has to show that he is not taking rent. Whether sub-letting without rent is an offence, we do not know. I think this condition should be removed. If a tenant sub-lets the house without making a profit in order to oblige people who are without housing accommodation, it should be welcome. Many high placed Government officers have told me that they would like to oblige their friends by sharing their big bungalows with others, but the fear that the House Rent Controller will give an order for eviction as soon as the landlord protests is preventing them from obliging their friends. So long as the present state of things continue, I do not think we should have any objection to allow people to sub-let. We have only to see that they do not make a profit out of it.

14th September 1946] [Sri R. Suryanarayana Rao]

"The Hon. Minister has introduced clause 7 (2) (iv). It is highly objectionable. It was not found in the House Rent Control Order. I will read the clause for the information of the House."

* MR. PRESIDENT :—"I think the hon. Member can reserve his remarks on that till he moves his amendment."

* SRI R. SURYANARAYANA RAO :—"Thank you, Sir."

"The hon. Dr. Tajuddin was saying that he preferred the executive to deal with the working of the Act to the judiciary. I beg leave to differ from him. I was myself a victim of the rent control proceedings. But I know whatever may be the deficiencies of the judiciary, one gets justice. I have great faith in the judiciary, and even if the decision is against me, it does not matter. We would rather prefer a Court of Law. Dr. Tajuddin said that the expenses are less with the Rent Controller than with a Court. You can go to the Rent Controller's Court just now and see how many vakils there are. Go to the Collector's office and see how many appeals are heard by the Collector against the decision of the Rent Controller and how many vakils there are. Lawyers appear everywhere, even before the Textile Commissioner. The cost of proceedings is the same everywhere. In a judicial court, we get better justice. (Dr. Syed Tajuddin Sahib Bahadur : 'Cost of stamps'?) That is small."

"Though I am a tenant's man, I feel horrified that simple imprisonment should have been provided for not complying with certain sections. I am afraid we cannot agree to it."

* MR. PRESIDENT :—"Does the hon. Member want rigorous imprisonment?"

* SRI R. SURYANARAYANA RAO :—"I do not want any imprisonment at all."

* THE HON. SRI K. BHASHYAM :—"I thought his objection was to the 'simple'."

* SRI R. SURYANARAYANA RAO :—"I know you wanted rigorous, and changed it to simple. Whatever may be our differences with landlords, they have their own interests. Even for contravening very simple things, imprisonment is provided. I wish that section also should be altered."

"Clause 7 (5) provides that for frivolous proceedings instituted by a landlord; the Controller may direct that compensation not exceeding Rs. 50 be paid by such landlord to the tenant. This provision was not there in the previous House Rent Control Order."

"Anyhow, I shall reserve my detailed remarks to a later stage when I move the amendments so that I can show that this Bill, in trying to do good to the tenants, is really doing more good to the landlord and his position has been strengthened rather than weakened."

* DR. V. K. JOHN :—"I rise to pay a very high compliment to the Hon. Mr. Raghava Menon and the other members of Government on this Bill. For clarity of language, form and substance,

[Dr. V. K. John] [14th September 1946]

this is a model Bill. Even a child can understand its provisions. In substance, I should say that it has imported the best characteristics of British legislation which are said to be conflict, compromise and caution. The Minister finds conflict of interests between the landlords and tenants, and there is compromise. It may be there is scope for difference of opinion in the details. What we find is he has found conflict and he has suggested a reasonable compromise and a very cautious one too. I say that this Bill is a model Bill and should be acceptable to all. But what more I suggest to the Hon. Minister is that it is not sufficient to introduce a Bill like this, although it is a model one. He must, in my opinion, bear in mind two matters. One is that there should be more houses to live in and it may be advisable to consider construction of more houses or construction or import of pre-fabricated houses which could rise overnight on land. It may be we can construct them or it may be we can import them if we cannot get the material to construct them. The Minister may do everything possible to see that the number of houses is increased. The second matter that the Minister should bear in mind is that there should not be any landlordism at all. Even landlordism in regard to buildings in the city should be abolished. I say a tenant occupying a house and paying a fair rent for a period of years—say 20 to 30 years—should be declared the owner of that house. (Hear, hear and laughter.) There need not be any expropriation of the landlord at all. It may be left to the option of the tenant to purchase the house by payment of annuities. The result would be every house would be kept neater. The feeling that 'this is my own house; if I pay a fair rent for a period of years and something more in the shape of annuity, I will get that house' will make the tenant keep the house very neat and it will fill his heart with joy. On the one hand, the landlord is not expropriated at all. He may be given a fair price. In course of time there shall be no landlordism at all. There shall be no tenants in the city or anywhere else. I suggest that every person who occupies a house should be enabled by this Government to become the owner of that house at his option. After a period of years, we shall find that there is no question of landlord and tenant, and a measure like this will not be required. I should like to pay again a very high compliment on the drafting of this Bill."

*** SRI S. A. S. Rm. RAMANATHAN CHETTIAR :—**"கனம் தலைவர் அவர்களே இன்று காலை பேசரைப் பார்த்ததிலே இந்தியா கவர்ன்மென்ட் இந்தச் சட்டத்தை இரண்டு மாதத்திற்கு தள்ளி வைத்திருக்கிற மாதிரி தெரிகிறது. இப்போது கொண்டுவரப்பட்டிருக்கும் இந்த மாதிரி பில் எல்லாம் அவசியம் தான். ஆனால் பொதுவாக நான் சொல்லுவது என்னவென்றால் : இந்த பில் வீடுகளை வைத்துக்கொண்டிருக்கும் சொந்தக்காரர்களுக்குத்தான் அனுசூலம் செய்கிறது. இதர்களுக்கு அவ்வளவு அனுசூலம் செய்வதாகவில்லை. இன்று வீட்டுச் சொந்தக்காரர்களைக் காட்டிலும் பெரும்பாலும் வாடகைக் கொடுத்து குடியிருக்கிறவர்கள் தான் அதிகமாக இருக்கின்றனர். மாம்பலத்திலே வீடு கட்டக்கூடிய இடம் இரண்டாயிரம் காலியாக விருக்கிறது. சென்னை முனிசிபாலிட்டியிலே இருக்கிறவர்கள் அந்த காலி இடத்திலே எல்லாம் ஒரு குறிப்பிட்ட காலத்தில் வீடு கட்டிவிட வேண்டுமென்று சொல்லாமலிருந்து விட்டார்கள். ஆறு மாத காலத்திற்குள்ளாக அந்தக் காலி இடத்தில் வீடு கட்டவேண்டுமென்று சொல்லியிருந்தால், நன்றியிருந்திருக்கும். போனது

14th September 1946]

[Sri S. A. S. Rm. Ramanathan Chettiyar]

போகட்டும், இப்போதாவது மந்திரியவர்கள் ஏதாவது நன்மை செய்ய முன் வந்தால் நலமாயிருக்கும். மந்திரி கனம் பாஷ்யம் அவர்கள் வீட்டுக்குப் பக்கத்தில் கூட சுமார் 500 வீடுகள் கட்டக்கூடிய காலி இடம் இருக்கிறது. இந்த இடத்தில் எல்லாம் வீடுகள் கட்டப்படால் எவ்வளவோ சௌகரியமா யிருக்கும். இவ் விஷயத்தில் முனிசிபாலிட்டியார் முன் வந்து ஒன்றிரண்டு மாதங்களில் அந்த இடத்தில் வீடுகளைக் கட்ட வேண்டும். அப்படிச் செய்யாவிட்டால், கவர்ன்மெண்டாரால் அந்த இடம் வீடு கட்ட எடுத்துக்கொள்ளப்படுமென்று உத்தரவு போடவேண்டும். செங்கல், சுண்ணாம்பு, சிமென்ட் இவைகள் அகப்படுவதில்லையென்று சொல்லலாம். ஆகையால், வீடு கட்டிக்கொள்ளுகிறவர்களுக்கு மேற்சொன்ன சாமான்கள் கிடைக்கும்படி கவர்ன்மெண்டார் உதவி செய்யவேண்டும்.

“பெரிய பெரிய பணக்காரர்களெல்லாம் 500 ஏக்கர், 1,000 ஏக்கர் நிலத்தைச் சுமமா வைத்துக்கொண்டிருக்கிறார்கள். இவர்கள் பிளாக் மார்க் கெட்டிலே ஏராளமாகப் பணத்தைச் சம்பாதித்திருக்கிறார்கள். ஆனால் வீடு கட்டும் சாமான்களின் விலை கூடியிருப்பதால், இப்போது வீடு கட்டாமல், சுமமா இருக்கிறார்கள். இவ்விதம் காலியாக இருக்கும் இடங்களை ஜனங் களுக்கு விற்கும்படியாகச் செய்தால் மிகவும் நன்றாயிருக்கும்.

“அடுத்தபடியாக, இப்போது கோர்ட் விஷயமாக சிலர் சொன்னார்கள். இந்த கோர்ட்டுகளிலே இதுவரையில் நான் 5 லக்ஷம் ரூபாய் தொலைத்திருக்கிறேன். இன்று வியிலில் கோர்ட் வக்கீல் என்றால், ஆயிரம் ரூபாய் பீஸ் வாங்கிக்கொள்ளுகிறார். ஆனால், கலெக்டர் கோர்ட்டுக்குப்போகும் வக்கீல் 5 ரூபா தான் வாங்கிக்கொள்ளுகிறார். ஒரு சப்-கோர்ட் சூட் என்றால், 500 ரூபாய் பீஸ் வாங்கிக்கொண்டு விடுகிறார்கள். ஆகவே, இந்த கோர்ட்டுகளைவிட கலெக்டர் கோர்ட் பதினாயிரம் மடங்கு நல்லது. கலெக்டர் கோர்ட்டுகளிலே ஏதோ ஒரு நாளைக்கு ஏதாவது சிறிது கஷ்டம் ஏற்படலாம். எனக்குத் தெரிந்தவரையில் சென்ற இரண்டு மூன்று வருஷங்களில் ஒரு கேஸ் ஆவது ரெண்ட் கன்ட்ரோலருக்குப்போய் பாதகமாகிவிட்டதென்று சொல்லுவதற்கில்லை. கூடிய வரையில் அவர்கள் சரியாகக் காரியங்களைச் செய்துகொண்டு வருகிறார்கள். அவர்களுக்கு இன்னும் அதிகம் பவர் கொடுத்து ஒழுங்காக நடக்கும்படியாகச் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

* MR. PRESIDENT:—“I hope the House will co-operate to pass this Bill before 5 o'clock. The House will meet again at 2-30 p.m.”

(After lunch.)

* SRI K. NATARAJAN:—“The speakers who preceded me had always in mind the conditions in the metropolis. I come from the mufassal, and I can testify to the conditions there and to completely endorse the principles underlying this Bill. Some of the speakers who preceded me seemed to have been under the idea that this Bill was a little more favourable to landlords than tenants. The word ‘landlord’ is no doubt high-sounding just as the word ‘mirasdar’ is high-sounding. But when we go into the actual financial conditions of the landlords in the mufassal, we shall be able to understand that they are not in as opulent a condition as the tenants themselves. There are in the mufassal declining cities, growing cities and stationary cities. Now, it so happens in the mufassal that some retired official, who has been able to commute his pension, purchases or builds a house in an extension, lets it out for rent, and afterwards seeks occupation for himself in another man's house paying rent. In cities where there are no extensions, there are house-owners of the old type who mainly rely upon the house-rent they are getting. Cases in which landlords eke out their livelihood or existence mainly by the rents

[Sri K. Natarajan] [14th September 1946]

they derive from the houses they own must not be regarded as cases of oppressive landlordism, but as cases where the interests of the landlords also have to be considered. (Dr. Syed Tajuddin Sahib Bahadur: What is the percentage of such landlords?) There are as many landlords as you can imagine who are entirely depending upon rent. (Dr. U. Rama Rao: Seventy per cent in the City of Madras.) I do not propose to give the percentage without looking into the figures. Anyhow I can satisfy, if occasion is offered to me for verification of this, that there are a great number of landlords who live only upon the rent they get. Take Tanjore where the Mahratta community has dwindled. They have got certain houses. The Gujarati community has dwindled. They have got certain houses. They live in other's houses paying a rent of Rs. 7 or Rs. 8, getting Rs. 20 or Rs. 30 for their own houses, and make a living out of the difference. Dr. Tajuddin, who must know a good deal as Vice-Chairman and as one closely associated with Tanjore Municipality, will be able to bear out my remarks about figures after verification. But all the same, I say, as Dr. John very aptly remarked, that the Hon. Minister has certainly brought about a compromise of conflict with caution and therefore the landlords must not be looked upon as if they are a superior sort of beings with all the affluence and opulence, and they too have not been able to get out of the difficulties which have been caused by this War. They too have to sustain themselves and make both ends meet. After all the increase that has been permitted by this Bill is only with reference to 1939-40 figures. The landlord is not permitted to increase the rent at his sweet will and pleasure. It very often happens that the tenant has got the superior power over the landlord to ask the landlord to make repairs as it suits his convenience. With one tenant going away and another tenant coming in, we have to remodel the house. Similarly, we have to incur so many items of expenditure on behalf of the tenant. I do not say that the tenant should be shown no consideration or that the landlord must be allowed to do anything at his own will and pleasure. I want to remind the hon. Members of this House not to look at this measure only from the point of view of the tenant, but to look at it from the point of view of the landlord as well. The landlord has got a right. Equity or necessity to protect is not all for the tenants; it is more so in the case of landlords."

* MRS. MONA HENSMAN :—" Mr. President, Sir, I am well aware that many of the arguments that I shall bring forward may have been put forth by other gentlemen in this House. Although fortunately or unfortunately I am not responsible to any constituency for what I say, I do feel that the voice of certain people, who have come and spoken to me about this matter during the past week and who themselves cannot be here to-day, might be put forward so that the Hon. Minister who has introduced this Bill may be able to know their view-point. Sir, it seems to me that you have very rightly allowed both sides of this House to express their opinion, both sides not in a political sense as I use the term at the moment but both sides of the point of view before us, the

14th September 1946] [Mrs. Mona Hensman]

landlord and the tenant. I think the Hon. Minister has put forward very fairly the point of view of both parties as far as I can see it, but I do still agree with some of my friends who spoke earlier in the morning that if there be any weightage on any side, the weightage is not in favour of the tenant who was seeking shelter for himself and his family. The landlord has got a very hard time, we all know, just now. Materials for building and repair are brought in the blackest of black-markets and the costs are not payable elsewhere. Moreover, there are a great many things that have to be seen to and that must be done by the landlord, which the tenant takes as a matter of course. There are a great many difficulties for landlords at this moment, but I think the point of view of the tenant also is bristling with difficulties, if I may say so. For instance, the tenant has got to find shelter, has got to find education, has got to find a home. I will not go on naming particular clauses of the Bill because we deal now with the principles of the Bill. But one of the clauses here very definitely puts forward the increase of rent at 50 per cent for an average tenant in the city to-day. The Hon. Minister has not shown to them how they can increase their income by 50 per cent to meet the overhead charges of the landlord for whom this might be a fair rent. The trouble is this, Sir. I, as a woman, may sound a note of warning too soon but I believe this Bill will affect our social life in the next two years. I foresee these poor families who are already living in the margin, being put to considerable hardship even to have to provide food, clothing, firewood, etc., that are available at the controlled prices and otherwise. Those people have now got to put up their rent Bills, they have got to find money for paying 50 per cent more than they have been paying in 1939-40 for the same house. They cannot find it anywhere else honestly and without getting into debt, unless they draw on their private resources which to many perhaps may not be available, and they will have to rent and re-rent, let and sub-let the house in which they live. This very important point of view seems not to have received sufficient attention. When a person has a home, and parents and children are together, there must be room for them to live. It may be that soon in several families—not of the luxury class but mostly of professional and middle classes from which the Hon. Ministers themselves have come and from which the future leaders of India are expected to come—that class will be brought up perhaps in the next generation within four walls or eight walls at the most, eating, sleeping, living, cooking within them. It seems to be a very grave invasion on the privacy of home life. I know that across the seas people live in flats, I know that a few rooms are considered quite sufficient for family life, I know that most of the excitement and pleasure are taken out of the home and children are sent to boarding schools or packed out with relations or in camps during summer. I have been there and seen what the conditions are. They will not be conducive to home life, heritage and tradition of our country. I will pass on to just one solution for this problem which I feel I might put before this House. In this very city, there are buildings that are used for non-residential purposes that were residential homes in the past. Big houses such as

[Mrs. Mona Hensman] [14th September 1946]

the Collector's Office have been falling into disrepair; mansions have been falling into disrepair and there are houses without roofs and without walls. We see such buildings in residential areas used now as offices for food and other committees. Will the Government be pleased to introduce some sort of legislation by which these residential buildings can be set in right repair? I do not think of squatters, I think of family life, I think of home life and I think of the future.

“ Moreover in this Bill, for houses built after 1940 there is going to be an increase in the percentage of rentals allowed for those putting up new houses. Now, here people invest their money. I do not go as far as one of the hon. Members who said ‘ Take a fair rent for a certain time from the tenant and then you may lose your ownership and your right of transfer ’ by taking the rent paid for that time as the fair purchase price of the property. I do appreciate the point of the last speaker, that a majority of the people who own houses look upon them as an investment or as an immovable property for their heirs, or their children and their grand-children and I do feel that there is a definite point here. Here and now, if you are going to have the control order, and if you are going to allow the landlord to increase his rentals by a percentage, then you should see that the increase is really a compromise, is really fair both to the tenant and the landlord.

“ Finally, Sir, we have been, as the Hon. the Premier has told us on various issues chastised with whips in many ways in the past. Let not this Bill be in any way provocative of or said to chastise us with scorpions in the future.

SRI K. VENKATASWAMI NAYUDU :—“ Mr. President, Sir. This is a Bill which is absolutely necessary, considering the present conditions and the state of affairs in the country. What should be done by this Bill is that there must be equity both for the landlord and for the tenant. I may say, Sir, that in this Bill the landlord has been fairly treated and so also the tenant, although I find that from the tenant's point of view, there are loud complaints. For a long time the landlord and the tenant have been amicably moving and I know there are many houses in the city where very fair rents have been prevailing. But now the population of Madras has increased from 7 lakhs to 14 lakhs. That is why there is so much shortage of houses. It is very necessary, Sir, that Government must give some help for building many more houses. One friend of mine said that there are so many vacant places in the city and asked why no houses could be built there. There are a number of landlords who are not able to put up houses for want of the necessary help. I think that the co-operative building societies should encourage people to build a number of houses in the city and in other large towns also. The Corporation of Madras has now ventured upon a housing scheme and I am thankful to the Government for having given a loan for that scheme. If that scheme had been worked out some years ago, we would not be in need of a legislation like this. When there are plenty of houses, there would be no bickerings between the landlord and the tenant.

14th September 1946] [Sri K. Venkataswami Nayudu]

“ Mr. Suryanarayana Rao asked ‘ What is the basis for this increase of house rent? ’ I find that the Hon. the Minister or the lower House has changed the wording of the clause a little by substituting the word ‘ may be ’ for ‘ shall be ’. By that they have made a very radical change in the position and they have deprived the whole benefit under this Bill, because it is left to the discretion of the Controller to fix fair rents. I do not know whether it is possible to make any changes at this stage. The result is that the landlord is now at the mercy of the Controller. If the Controller is fair, just and reasonable, then there will be no difficulty. Otherwise, this ‘ may be ’ will do a lot of havoc in the matter of fixation of fair rents. As I said, the landlords must be encouraged to construct more houses. If they do not find that it is worth while to put up houses, the construction work will be retarded. I thought that this particular section will enable the landlords to build more houses, but the word ‘ may ’ has given them a rude shock, because they know that after putting up houses, the Controller may or may not fix adequate rent.

“ Then Sir, with regard to the penalty, the Hon. Minister has said that it is only three months and that would be a short respite for the landlord. (Laughter.) But I think, this penal clause is unnecessary. This is not like the Food Control or the Essential Articles Control Bill. Here, I think, a fine would adequately meet the ends of justice. This penalty of a three months’ imprisonment is, I think, rather more than what is necessary.

“ Then Sir, there is this important point, namely, the residential and non-residential buildings. Suppose there is a big businessman who is doing business in a part of a building and at the same time living in a portion of the same building. He then puts it up as a residential building. Then what is the position? You cannot distinguish between a residential and non-residential building. There is no provision in the Bill clearly defining residential and non-residential buildings. This must be made clear at least in the rules that will be framed under this Act.

“ Then, there is another important thing and that is the relation between the chief tenant and the landlord. The chief tenant is just like a landlord. No provision is made in the Bill for this class of people. In many houses there are chief tenants, and they are more or less the landlords. A distinction must be made between the landlord and the chief tenant. What are the rights of the chief tenant and what are the relations between the landlord and the chief tenant—all these things must be made clear. Nothing is said in this Bill about this matter. Perhaps these things may be made clear in the rules to be made under the Act.

“ Finally, Sir, in this Act, the whole authority is given to the Controller, who is the executive officer. Some hon. Members have suggested that the Controller may be a Court. I know ‘ law’s delays ’ and it is much better to have a Controller or a court of summary jurisdiction instead of having the laborious process of a judicial trial which often entails a lot of waste of time

[Sri K. Venkataswami Nayudu] [14th September 1946]

and money, as is happening in civil courts. I would request the Government that the Controller who is to be appointed under this Act is such a person as will equitably render justice according to this Act. It all depends upon the way in which this Act is administered by the Controller and though there is some panic in the minds of both the landlord and the tenant, such panic, I think, will disappear in course of time. As my hon. Friend Dr. John has said, this is a nicely worded Bill and there may not be much difficulty in working it out, if the Controller is fair, just and equitable both to the landlord and to the tenant."

* SRI M. NARAYANA MENON :—" Mr. President, Sir, I must congratulate the Hon. the Minister in charge for presenting us with a well-balanced and well-considered Bill. I may sum up by saying that both the tenant and the landlord will equally bless this House Rent Control Bill.

" There are some criticisms against the Bill from the landlord's point of view. I doubt, Sir, whether the landlord is, in fact, more blessed than the tenant. The tenant wants to live and get shelter and he is given that. The landlord has invested a large sum of money in the house and he must get some interest upon the money invested. In fixing rents, the Hon. the Minister has taken particular care to differentiate between residential buildings and non-residential buildings. In the case of residential buildings, however, there is one further difference. The Bill does not at all affect those houses the rent of which is not more than Rs. 30. But as between residential and non-residential buildings, the difference is really great, because a person occupying a residential building may not be able to pay a large rent while a person occupying a non-residential building is generally a trader or a businessman who will certainly be in a position to pay a higher rent. Is there a shop anywhere now, where things are not sold at five and ten times their cost price? So the trader is getting large profits. Why should he not pay a higher rent to the landlord? It is but fair that the Hon. the Minister has provided for a higher rent for non-residential buildings than for residential buildings.

" One other suggestion I want to make is with regard to the Controller. I have attended criminal courts; I have also seen how executive officers discharge their functions and I know how in civil courts the cases are tried. I think that, in the best interests of both the landlord and tenant, the civil courts must be asked to hear the cases. But the trials should not be so prolonged and so cumbersome as in the case of civil suits. There are ever so many summary trials in civil courts, for instance in the case of Small Causes in the Small Causes Courts in Madras, and in courts of original jurisdiction in the mufassal. The cases coming under this Bill also may be dealt with summarily. My objection to these cases being tried by the executive officer is that the consideration of the facts, the co-ordination of the facts and the sifting of evidences—all these will not be so very complete as in cases tried by a District Munsif or a Sub-Judge. I therefore submit that sufficient

14th September 1946] [Sri M. Narayana Menon]

clarification may be made with reference to the procedure for trying cases. But it need not be made by an amendment of the Bill. For instance, section 7 provides for action through the Controller, and section 12 for appeals. Section 2 (2) defines the term 'Controller' 'as a person appointed to perform the functions of a Controller under this Act.' All these things may be considered together and provisions may be made in the rules to be framed under this Act, for appointing the District Munsif or the Sub-Judge as the Controller, and the District Court or if necessary the High Court as appellate authority. But the trials need be only summary and not elaborate. The advantage of trials by civil courts over those by executive officers is clear from section 7 (1). If under section 7 (1) the Controller to be appointed is the civil court, then it can say to a landlord applicant whose application is met by a bona fide denial of title. 'Your application is rather complicated; it should be tried as a civil suit. If you pay the necessary court-fee then I will try it as a suit.' Considering all these aspects of the matter, it makes me feel that the civil court is much better than the executive officer.

"One other matter that I wish to bring to the notice of the House is this. Difficulties are likely to arise in working out section 7 of this Bill. Section 7 (3) provides that a landlord can make an application and get an order for evicting a tenant from his house in respect of one house only. But sometimes this difficulty arises, suppose a landlord has more than one house which are let out for rent. Suppose also that he has two or three sons and they get married and wish to live in different houses. The question arises whether the landlord can apply for the eviction of tenants from more than one house, for this reason. (A voice: 'Let them rent houses!') Sir, some of us seem to be engulfed in a wave of impulse against landlords and want us to overlook their difficulties. In the case I have instanced, the landlord cannot evict the tenants, although he may require his houses for a genuine purpose. The provisions in the Bill appear to be a little too hard on the landlord. My hon. Friend, Mr. Madhava Menon, may think now at least that there is something in this Bill against the landlords. I say that the landlord is under a distinct disadvantage in the instance I have mentioned. It cannot be said that the landlord has built up houses only for the tenants to live in. There is a saying that 'Fools build houses; the wise men live in them.' (Laughter.) Therefore it is not always the landlord that is blessed. This Bill safeguards the interests of the tenants better than that of the landlord. It looks as though this impulse, a very hot wave of impulse is getting into us all. I submit, Sir, that we ought not to permit it. I am sure, the Hon. the Minister in charge of the Bill will not be caught up in that wave."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Mr. 3 p.m.
President, Sir, blessed are those that suffer. That is what the scriptures of every religion says. (An hon. Member: 'In Heaven.') Conditions of Heaven are brought on the earth now on account of such legislation. Sir, it appears to me that this Bill seeks to

[Abdul Latif Farookhi Sahib Bahadur] [14th September 1946]

inflict hardship both on the landlord and on the tenant. This is to me, Sir, a double-edged weapon. This can cut both ways. We are here, Sir, to look to the advantages of both the tenants and the landlords. When we sit here we cannot be partisans. When we legislate here we have to look to the conveniences of all parties and of all interests. Therefore I look upon this Bill as imposing a hardship both upon the landlord and upon the tenant. Sir, the Hon. Minister in charge of the Bill said that this is a temporary measure. The Bill says that the Act will be in force for two years and the Government can extend its operation for two more years. It means, Sir, that this Bill, if it is passed into law and placed on the statute book will continue as long as the life of the present Ministers in the present Legislature will continue. Therefore it does not appear to me to be a temporary measure. It seems to me to be a permanent measure which has to be very carefully considered. Therefore I say that it is unfortunate that such important measures of legislation should be brought up at the fag end of this meeting of this Council and that there should be no room for the Members to move any amendment; though technically we are moving amendments they are without any practical use, because I also feel the difficulty along with the Members on the other side, that once an amendment is passed here it has to go to the other House and our eyes are cast there on the doors of that House in vain to find that its doors are shut, which means that the doors are shut for any reasonable and for any good amendment.

“ The Hon. Minister in charge of the Bill said that there are a number of houses vacant.”

* MR. PRESIDENT :—“ Including the Assembly.” (Laughter.)

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Well, Sir, apart from ordinary people like me, perhaps even the Ministers are not in a position to have their houses here in the Assembly or in the Government House. I feel, Sir, that there are no houses vacant not only in the City, but even in the suburbs round about the City; we find that there is no place for people to go and live in. Formerly we used to find ‘ To let ’ boards on many houses in the City and there was a reason for it.”

THE HON. SRI K. BHASYAM :—“ ‘ To let ’ invites an invasion today.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Well, Sir, the Hon. Law Minister is a lawyer; therefore he can speak of invasions, and he can speak of wars; he can speak of litigation and courts. But there was certainly a privilege for the ordinary man to go into a house and occupy it if it was to let. I am not a lawyer, but I know that according to the previous law, the old law, when a house was to let, any man can go and occupy the house and pay the reasonable rent. I know of a case of a relative of mine his bungalow was vacant and some European—the European Member is not here—went in and occupied his house. We

14th September 1946] [Abdul Latif Farookhi Sahib Bahadur]

had to let the house. Nobody could prevent him, because there was the 'To let' board on the house. The matter went to court and it was said 'you get the rent, you need not interfere.' "

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" It is not the law, it is the big stick."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Perhaps the difficulty now is that in spite of the fact that we are eliminating the Europeans, the European mentality is coming in; and it is there. When we find that there are the dictators, the directors and controllers—perhaps dictatorship is to be introduced hereafter—when these people are there to control, when these people are there to govern us, we really find that there is that European mentality. It may be a brown bureaucracy or a white bureaucracy, the mentality of the bureaucracy is there. The ordinary man really feels that he suffers. When we go about in the City we find a number of residential buildings being occupied by Government offices. A year after the war has terminated, completely terminated, there are still buildings occupied by Government offices, which were not in existence before the war. Now what is required of this Government is to infuse confidence in the people that normal conditions are being restored. But by legislation of this kind we feel that we are still in the Advisers' regime, we still feel that there is a war going on somewhere else and that we are in the same condition as we were. We cannot persuade ourselves to believe that we are here sitting in normal conditions and that normal conditions are being restored. I feel, Sir, that to make people realize that they are going to enter a new life, that they are going to enter a life which will be peaceful, acts of this kind should not be placed on the statute book.

" The other thing that I feel is this. Clause 3 (1) says that if any building falls vacant, 'Every landlord shall, within seven days after his building becomes vacant by the landlord ceasing to occupy the building or by the termination of a tenancy, give notice thereof in writing to the Controller.' This means that the landlord is not at liberty to let out his house to anybody else. This means that a tenant who on account of various reasons, on account of his occupation or on account of his profession, needs a house in that locality has not the liberty to occupy that house. The Government takes priority; it says 'we have got priority, we should take whatever house we want and that must come to us first.' Then, Sir, if within a week of the receipt of the notice by the Controller the Government is not going to occupy that house the landlord has to lose, because he is not going to be paid any compensation for the loss in rent on account of the refusal of the Government. As soon as the building falls vacant, then within 7 days thereof he can give a notice. On the 6th day he gives notice to the Controller. Then the Government considers it for one more week. Fifteen days elapse. After the 15th day the Government says, 'Well, we do not want this building, you can give it to somebody else.' For 15 days the rent of the landlord is lost. Therefore, I say it is the landlord who is the party hit. He loses rent and he may also lose

[Abdul Latif Farookhi Sahib Bahadur] [14th September 1946]

a very good tenant. And the tenant who stands in need of such a building in the particular locality may also lose, because he cannot go to the landlord and say 'I want this house' because he is afraid that the Government will take possession of the house. If the Government really requires buildings for their offices they can construct buildings as there are facilities for the Government. Leave aside the people who have vacant lands but who cannot get the money to build. People who can afford to build houses cannot build on account of the difficulty of these controls and the difficulty in getting building materials. That is not the case with the Government. The Government can easily get building materials. There are no controls for the Government and they are above all these things. Certainly if they want to do good to the public, if they want that their offices should be built according to their own requirements, if they want that there should not be any scarcity of houses in the City and round about, then the best thing for the Government, perhaps, the only alternative for the Government, would be that they should build offices wherever it would be possible for them to build and release the houses and relieve the people of their difficulties. When once the Government begins to construct buildings for its own use it will be possible for the tenants to get houses in the City and it will also be possible for them not to approach the Controller or approach the other authorities with these difficulties. The more you are going to enforce such laws the greater will be the inconvenience to the public. I think, Sir, my hon. Friends even on the opposite side will agree with me that every day in a man's ordinary life, before the war there was no necessity for him to go to the Government offices, to go to the courts and other places, like that. Now, at least half a day out of every day is to be spent by the people either to go to the Controller or to have his ration cards renewed or for some other purpose. Therefore in a man's life half of his time is wasted on account of these controls and on account of enactments like these. Therefore I feel that it would be much better for the Government not to encroach upon the liberties of the people and not to encroach upon the privileges of the people.

"And then, Sir, there is the question of increase of rents."

* MR. PRESIDENT:—"I request the hon. Member to finish soon. Now it is 3-13. He may finish by 3-17."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I shall certainly abide by your decision, Sir. But I feel that the Opposition should be given some more time as I requested yesterday. Members on the other side have got the opportunity of discussing these Bills twice. They need not come here and advance arguments. (Laughter.) (Interruption.) I am glad to hear, Sir, that they did not have an opportunity to discuss this. (Laughter.) But I wonder . . ."

* MR. PRESIDENT:—"The hon. Member can very well use his time for his arguments."

14th September 1946]

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—" I wonder Sir, why Bills that were circulated for consideration by Members have been suppressed, and even torpedoed if they have not been considered by the other side. Sir, we have received notice of a certain Bill which has not been placed before the House, which means that the other side discussed the Bill and did not think it advisable to place it before the House. (Interruption.) I do not want to mention which Bill it is Sir."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—" It was in connexion with the salary of the Hon. President."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—" Now, Sir, with regard to the increase in rent, it is not possible for Members of this House to understand what justification can there be for this graded increase in rent. And who are the people who have to pay this rent? My hon. Friends on the other side will excuse me for saying this and perhaps it was on account of this that Wednesday was not allotted for the business of non-official members of this House, but the question cannot be evaded and it will have to come up. Who are these people who will have to pay this increased rent? The majority of them are people who serve in offices, the non-Gazetted officers in the Government service and the professional men. Most of these poor people will have to pay this increased rent and without any increase in their income how is it possible for them to pay increased rent? My hon. Friend Mr. Bhashyam said that the increase was only on the basis of rent paid in 1939. I can understand and appreciate that point. But what is the increase in pay given to the non-Gazetted officers from that date? If the percentage of increase in pay given to the non-Gazetted servants, and the interim relief that is given to these people, falls short of the percentage of increase in the rent, then one can certainly say that there is no justification for such an increase in the rent of houses. Therefore my objection to the increase in the rent of houses stands."

" But I feel there may be necessity for increase in some cases. There may be people, not like my hon. Friend Dr. Rama Rao, one of the very poor landlords (laughter), there may be people who may stand in need of increased rent. I do sympathise with people who have got one or two houses. There may be widows for instance who may depend on the income from these houses. But that is a question that has to be examined on its own merits. Each question has to be examined from the point of view of its own merits and there should be no general increase in the rent of houses as a whole. That is my submission, Sir,

" Sir, there is a distinction made between increase in the rent of residential houses and increase in the rent of non-residential houses. In the latter case, there may be some or no justification for the large increase provided for in this Bill. For instance if a person is paying Rs. 500 as rent for a non-residential building, according to this Bill the increase will be 100 per cent and he will have to pay Rs. 1,000 hereafter. In these days, though

[Abdul Latif Farookhi Sahib Bahadur] [14th September 1946]

we do admit that there are people who are black-marketing, we have to note that these people have to pay the rent and at the same time pay the establishments also. A cent per cent increase in their case is not justifiable. We know that the taxes have been increased. The sales tax has now been increased. Of course, formerly there was the Excess Profits Tax, but it is not in existence now. Anyhow people are not able to earn as much money as they were able to do during the time of the war though there may be black-marketing. Black-marketing will not pay them as much now as it paid during the war. There were people who earned lakhs and lakhs of rupees then. People who were not worth a few rupees are worth several lakhs now. (Laughter.) Certainly it was due to the war. Now Sir, there are controls and people cannot get more money and more profit unless they resort to black-marketing. If we in an arbitrary and high-handed manner ask them to pay double the rent that they were paying before, naturally we would be giving them an incentive to get more money by resorting to black-marketing, because they cannot afford to pay so much money and when they are forced to pay that they will have to augment their income by some other means. If we are going to close our eyes and overlook the fact that there is going to be income of an illegal character, then there will be some justification for an increase like this. After all the people have to earn their livelihood, they have to make some money, earn some profits and pay the rent to their landlords. If there is to be an increase, it must be a reasonable increase and not an increase to the extent contemplated by this Bill.

" I now come to the question of these cases being taken before Controllers. Much has been said on both sides of the House with regard to this question. Some gentlemen narrated their experiences of going before law courts. Though I have not got much experience of resorting to law courts either as a plaintiff or as a defendant (An hon. Member : or as a lawyer) or as a lawyer, I do know that going to law courts is a costly affair. But Sir, I feel that a lawyer—however much we may differ on the floor of this House, I appreciate gentlemen like Mr. Bhashyam, a lawyer who brings a judicious mind to bear on questions has a detached mind ; he can understand things and decide things impartially. But a controller is a controller ; he can control you or control the other side. He may have prejudices against a tenant, he may have prejudices against a landlord. Therefore I feel he will not be in a position to bring a judicious mind to bear on the question and give a fair judgment. (Interruption.) On all such questions, it is a lawyer or even my hon. Friend, Dr. Tajuddin Sahib, who may be asked to decide. He may be called an Honorary Magistrate. He must be asked to decide in a judicial manner when he sits on the judicial bench. He may also be given civil powers. He can also be an honorary . . . (An hon. Member : 'Controller'.) No, an honorary judge of the City Civil Court, or an honorary judge of the Small Causes Court. He may be vested with the necessary powers. I am averse to calling them controllers, directors or dictators,

14th September 1946] [Abdul Latif Farookhi Sahib Bahadur]

because, Sir, the very term infuses fear in the minds of the people. People come to feel that we live in extraordinary times and that the controller has to control. I for my part do not feel the necessity for controllers. They will not be in a position to do justice either to the tenant or to the landlord. It may be in particular cases, people may have very bad experience like that of my hon. Friend Dr. Rama Rao. That experience people have had in law courts also. For instance, if a lawyer does not appear in time and if the judge is a strict man, he says, 'I dismiss the suit with costs.' Such experience there has been both in the law courts and with controllers. I am not pleading for law courts at all, but I say that a judicious mind can be brought to bear on such questions if they are handed over to the courts and the judges and not to controllers, directors and dictators. (Interruption.)"

* MR. PRESIDENT :—" I am sure the House understands the hon. Member all right. He need not care for interruptions."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I do not mind interruptions. I appreciate and welcome interruptions and I thrive on criticisms. It is only when there is interruption and criticism that one can find out what is the feeling on the other side and try to convince the other side. Interruptions are welcome to people who can understand things and argue. I am finishing, Sir. (Laughter.)

" I appeal to the hon. Member in charge of the Bill to consider all the points that have been placed before him from this side of the House and to see that even though there can be no amendments to the Bill—certainly there can be no amendments and he would not allow any amendments to be passed—to see that the views that have been given expression to on the floor of the House are given due consideration and that at least the spirit of the views expressed here is embodied in the rules that may hereafter be framed with regard to the working of the Act."

* SRI M. NARAYANA RAO :—" Mr. President, Sir, I do not want to take up much of the valuable time of the House. I wish only to congratulate the hon. Minister on having brought forward this Bill. There have been arguments on one side that the tenants should have better amenities and arguments on the other side that the landlords should have better conditions. These two are irreconcilable views and the hon. Minister has found some *via media* to reconcile these irreconcilable elements and I think we can agree to this to that extent.

" Sir, every hon. Member of the House seems to think that there is congestion only in Madras and over-population only in Madras. I wish to bring to the notice of the hon. Minister and this House that there is congestion in every village and in every town. So building more houses in Madras will not relieve the congestion in the whole Province. I want to ask the Hon. Minister to see that better housing accommodation is provided in the villages also. The first thing that he should do is to remove the slums. The

[Sri M. Narayana Rao] [14th September 1946]

slums are a scandal. If land is provided for these people, they can build houses for themselves. Do not think of the big man, or even the office-clerk or the high paid men. Think of the poor men. If we give them some amenities by way of land, they can build houses temporarily or permanently. Every hon. Member seems to think that better facilities should be given to the high-salaried people and middle-class people. I wish to plead for the poor man. If you go to the villages you will find how things are going on. In some of the quarters where Depressed Classes live, people live like cattle. So, if more land is provided for them, I think they will be able to build their own houses and live much more happily. My point is : teach people to live in a simple manner in simple houses. Don't encourage them to build big upstairs portions and all that. India is a poor country. I wish the hon. Minister to see that before he lays down his office after three or four years he sticks to a programme by which every householder will become the proprietor of the house. We are all family people, grihastas. A grihastha without a house is not a grihastha. So, it is the duty of the Government to see that they chalk out a five-year or ten-year plan and see that every householder is provided with a house within five or ten years. The hon. Member Mr. John was pleading for it and we Congress people on this side of the House welcome such a move, coming from that side. I shall support a move like that, I shall support if the Government comes forward with some plan to see that all the houses in which tenants are to-day living, come to be owned by them, after payment of compensation for the land. I only want the Ministry to come forward with a programme of house-building by which within five or ten years, every householder in the province will become a real householder, owning a house."

* SRI RAO BAHADUR D. KRISHNAMURTHI :—" Mr. President, Sir, this Bill is primarily intended for regulating the leasing and rents of houses. Sub-section (2) of clause 3 says :

'If within a week of the receipt of a notice under sub-section (1) by the Controller, the Provincial Government or any officer empowered by them in that behalf does not intimate to the landlord in writing that the building is required by them for any Governmental purposes or for use by any public institution under Government control or any officer of the Government, the landlord shall be at liberty to lease the building to any tenant'.

"Of course to-day houses are not available for Government servants and Government institutions, and this Bill is primarily intended to regulate and control vacant buildings for being used by the Government servants. But it is open to the Government to come to the rescue of the tenants by trying to build as many houses as possible. Because of the control of cement, control of timber and scarcity of bricks, it is not possible for private parties to take to house-building. I heartily sympathise with the provision for decent habitation for Government servants and Government institutions, but the burden is still on the shoulders of the Government themselves to provide more buildings. By putting up new buildings for Government servants and institutions, they

ERRATUM.

Madras Legislative Assembly Debates, Volume II—No. 6.—For the words “of the demand under discussion” in line 10 on page 328, substitute the words “an announcement in the evening.”

*T. HANUMANTHAPPA,
Assistant Secretary, Madras Legislature.*



14th September 1946] [Sri Rao Bahadur D. Krishnamurthi]

can ease the present tension. It is not only in Madras but throughout the Province that this difficulty exists. I have got personal experience myself. Cement cannot be had as and when we want. It is not easy for private citizens to build houses, and therefore there is a tendency on the part of landlords to increase the rents and make it difficult for tenants to get houses. Under these circumstances, a Bill of this type is certainly most opportune and is absolutely necessary. No doubt it restricts to some extent the rights and privileges of landlords, but it is generally in the interests of getting accommodation for citizens, and as such we have to put up with temporary inconvenience and risk personal rights and liberties for a short period. A period is also fixed in this Bill, viz., two years, and I hope and trust that Government will not make it a difficult proposition for non-Government servants to get houses by themselves monopolising under this Bill all the available buildings and giving them to their own servants. An extraordinary situation has arisen and we find rack-renting is going on, in almost every place. In a certain place, to my knowledge premia are paid for tenancy. It is impossible for any person to get a house in the city, I therefore say that this Bill is opportune and absolutely necessary.

"I have also gone through the 19 sections of this Bill carefully and I find this is a very equitable Bill, prescribing the rights and duties of the respective parties, apportioning them between landlords and tenants and showing no special favour to either. The controller is supposed to be a fair-minded and reasonable gentleman and a public servant to boot, who will exercise his discretion with due care and caution and will not let down the principles of justice and fairplay. Thus there is no necessity for any reasonable apprehension on that score. I request Government to launch a building construction programme immediately and urgently, firstly to provide accommodation to their own servants and thus to ease the tension caused by the present extraordinary circumstances. It is also necessary for Government to enable the promotion of industries like cement, bricks, timber, and other commodities which would go far to encourage building construction on several vacant sites now existing in both Madras City and in the mufassal.

"With these words, Sir, I heartily support the measure, but I would request Government to make the provisions sufficiently elastic, so that the Controller may not override the rights of both landlords and tenants."

* MR. PRESIDENT :—"Mr. Anthoni, I shall allow you five minutes."

* MR. K. O. ANTHONY :—"I shall be as brief as possible, Sir, I have not got many points to urge, but I happen to be always the unfortunate victim of this cut in time."

* MR. PRESIDENT :—"It is not right that the Member should make such remarks; I do not relish them, especially as I have been giving him plenty of opportunities."

[14th September 1946]

* MR. K. O. ANTHONY :—" Last time also, I had the same experience, Sir; that is why I said it."

* MR. PRESIDENT :—" If the Opposition Members want to speak, I do not object at all; they must rise earlier in the debate. I have been looking for speakers for some time on either side. If the hon. Member had got up earlier in the debate, certainly I would have allowed him to speak."

* MR. K. O. ANTHONY :—" I do not want to carry this argument further, Sir. I congratulate the Minister with regard to the wording of this Bill, more especially as the legal expert from our side has given him a very good testimonial. Secondly, Sir I must congratulate this House on the way in which they have taken to this Bill. This House is generally considered outside as a reactionary House; but I am very glad to find that there were more speakers in this House in favour of the tenants, in spite of Dr. Rama Rao, and we have had great consideration for him (Dr. U. Rama Rao: 'I was also for the tenants.') though he himself is a landlord. But in view of the fact that I myself have given notice of a resolution to be moved in this House for solving the housing problem in urban and semi-urban areas, I cannot but refer to that aspect of the question, though reference has been made to it already. I am one of those who are convinced that we cannot solve this problem of finding housing accommodation in the city and in the larger towns unless we launch upon a very big housing scheme. It is indeed a matter of great disappointment to me that no good provision is made in the Budget for such a scheme. I am personally interested in a housing scheme for workers, and I think that unless we undertake such a scheme and try to build as many houses as possible for the workers and the middle classes in our cities and towns, we shall never be able to solve this problem. Anyhow, the Hon. Minister has tried to hold the balance even between landlords and tenants. That seems to be the general impression because the Bill has been blessed by representatives of both landlords and tenants. But still I cannot help feeling that the balance of interest in the Bill is in favour of the landlord. A fair rent has been fixed. My friend Mr. Suryanarayana Rao asked the Minister as to what were the considerations that guided him in fixing this fair rent. I am not a socialist but there is something in the argument that has been brought forward. Those who spoke in favour of landlords have unnecessarily brought in the poor widow into this bargain and have pleaded for the raising of house rent because for the widow this is her only means of subsistence. But how many landlords are there in this city who own many houses? Nobody seems to speak of them." (Dr. U. Rama Rao: 'They are very few.')

* MR. PRESIDENT :—" May I request the hon. Member to allow the speaker to go on? Let him please look at the clock; I have got a responsibility to discharge."

* DR. U. RAMA RAO :—" I cannot make a speech, but I can interrupt."

* MR. PRESIDENT :—" I shall be very thankful if hon. Members do not interrupt but allow the speaker to go on."

14th September 1946]

* MR. K. O. ANTHONI :—“ Sir, on what basis has this fair-rent been fixed? Is it on the basis of the interest on the investment? That is a point we would like to be made clear. It has been said that we should not take the investment made at the time the house was built, but the value of the house as it is at present. But is the landlord responsible for the increased value of the house? It is indeed the environments and various circumstances that have contributed to the present-day conditions in the world that have been responsible for this increased value of the houses. So, I don't think that with respect to investment, this fair-rent has been rightly fixed. It is certainly in favour of the landlord.

“ I must also join my friend Mr. Suryanarayana Rao in raising my voice of protest against the preferential treatment given to Government servants under clause 3 of the Bill. After all, I should have expected a popular Government returned to power on the franchise of the people to view things from the standpoint of the common ordinary man. Why this preferential treatment to Government servants? I should expect them to view the question from the point of view of every one concerned. What are the difficulties they are experiencing and why should houses be controlled and given to Government servants in preference to others? What is to become of the others?

“ Well, Sir, you wanted me to restrict my speech and I have tried to do so.”

* MR. PRESIDENT :—“ You have taken about 15 minutes.”

THE HON. SRI R. RAGHAVA MENON :—“ Sir, I am very thankful for the criticisms offered; some of them have been considered and a few do not seem to realise fully the difficulties of a legislation like this. This is an equitable, emergent legislation, a social legislation necessitated by the conditions that exist to-day. Criticism must be directed remembering what would be the condition if this Bill could not be put on the Statute Book by the 1st October. Certain conditions are prevailing now; a good many people have got houses; there is a regular fight going on between landlords and tenants. The landlord is cursing the tenant, and vice versa. We are now judging the Bill from the position in which we are situated to-day. I would remind hon. Members of the conditions if we were without the House-rent Control and the Non-essential Buildings Acts which we have to-day. It is true in Madras and other places many people had come. Attracted by the living conditions created by the war, they have rushed into Madras, and we have to-day in Madras more than 5 lakhs of people, of whom 3 lakhs can safely be sent back if the Government has got power. But if I may suggest that I will be styled as an undemocratic man, people will say ‘ this Minister, a member of the democratic Government, wants to drive away people, a popular section of the populace—from Madras.’ But I would remind them of the conditions that now exist in Madras which are the result of a number of people, who need not be necessarily in Madras, but who for various reasons are here—some with enough

3-45
p.m.

[Hon. Sri R. Raghava Menon] [14th September 1946]

money to pay any amount of rent, and who induce landlords to try their best to get houses, putting forward false pleas before the Controller. Government can build a number of houses that are required for the people in Madras, but this Government, however willing they may be, would have to think of this very deeply before launching this scheme. Hon. Members are aware of the finances and commitments of this Government. With reference to the food problem Government have to subsidise crores of rupees. With reference to the demand for increase of wages, Government have to find the means. It is very good that a popular Government must have a housing scheme. But housing scheme also must wait when there are more emergent things. Certainly attention is being directed to this question, and when houses can be built freely by the Government either directly or by helping co-operative institutions, it will be undertaken, and then the conditions between landlords and tenants will be eased. But that is not the question now before the House. What shall we do now, as conditions exist; whether such a bill is necessary, and whether the provisions contained in the Bill are good for both the parties. That is the question. A popular Government cannot keep apart any section of the people. We have to govern by particular ideologies—all classes. One class cannot be sacrificed. So let us see whether this Bill satisfies the needs of both the parties. It has been said that under this Bill, the landlords have a double advantage. I am afraid there is nothing that warrant this statement. In this Bill the tenant is given a fixity of tenure. If the tenant is not prepared to give the rent within 15 days after the date mentioned in the agreement, where there is an agreement, and where there is no agreement, by the last day of the month next following that for which the rent is payable, he can be evicted. The plea that the tenant might not be aware of the conditions, and that therefore he should not be evicted from the house, is not correct. If he must be given more time to pay the rent, there is no limit for it. The tenant must remember the date and he must make the payment. This is not a condition which works against the tenant, and this is not also favouring the landlord.

“ Another thing that has been suggested is that the landlord has been allowed an increase of rent. There are two restrictions placed upon that. The Controller, whoever he may be, will be a reasonable man. If he is not a reasonable man, the Government will remove him. A popular Government will enforce the law only in the interests of the people. The House can take that for granted. The Controller *may* increase the rent. He is given certain definite criteria for this purpose. The rent that existed between March 1939 and 1st April 1940—a normal year of normal rent—is taken as the unit, and the increase of 8-1/3 per cent, 12½ per cent and 25 per cent over that rent is a very reasonable thing. If the Controller thinks that it need not be 8-1/3 per cent, but only 6 per cent, need not be 12½ per cent, but only 8 per cent; need not be 25 per cent but only 15 per cent, he has got the liberty to fix it. He *may* increase the rent, but the increase shall not exceed 8-1/3 per cent, 12½ per cent and 25 per cent. This is a very equitable thing.

14th September 1946] [Hon. Sri R. Raghava Menon]

Where is the landlord favoured? Is it not a fact that there are at least a good many poor landlords in Madras who live in portions? It is not the normal feature for anybody to build houses except very great moneyed people, who have half a dozen or 10 houses. (Mr. Anthoni: 'Has the Minister got statistics about it?') I am speaking only generally. The hon. Member may also understand that we also belong to the people and we move about and see things for ourselves, and we know that many people have only one house. Due to a number of causes they live in a portion.

" This legislation is not meant for any particular class. We have to take in all classes, and we have also to satisfy the conditions relating to all classes. One cannot be legislating for landlords—landlords who have got, for the sake of investment, half a dozen houses.

" As I have already said, the increase of rent is not on the present rent. The increase is on the rent prevailing in 1939-40, and on that an increase of 8-1/3 per cent, 12½ per cent and 25 per cent is provided. This, I think, is not a very favourable consideration for the landlord. We have thought only of a reasonable provision to the landlord. There can be no objection to the increase of rent for non-residential buildings. These non-residential buildings are used by merchants either as godowns or as shops. These people are earning enough and they can very well pay an increase of rent not exceeding 37½ per cent, if the rental value does not exceed Rs. 50 per mensem, and an increase not exceeding 50 per cent of the rental value if the rental value exceeds Rs. 50 per mensem. Regarding godowns and shops that have come into existence after 1st April 1940, the Government thought that these landlords who had constructed buildings had had to spend more. My hon. friend Dr. John would not deny this. Under such circumstances, Government have allowed an increase not exceeding 50 per cent if the rent does not exceed Rs. 50 per mensem and an increase not exceeding 100 per cent if the rent exceeds Rs. 50 per mensem. Nobody need feel if merchants, as a class, are made to pay a little more than tenants in residential houses. I suppose, if judged from the principle of equity, it is correct and considering the amounts that the landlords had to spend for putting up buildings after 1940, we thought that it is a reasonable thing.

" Then there are other criticisms which my hon. friend Mr. Suryanarayana Rao has made about the Controller and the appeal. Government have not yet decided these. They are considering who must be the Controller, whether it must be a civil court, or whether it must be an executive officer. In either case there will certainly be expedition. In the City Civil Court there will be a judicial decision, but it will take a longer period. We have to find out a method. Perhaps a Controller with all the good directions given, and an appeal to a civil court—for instance an appeal to a District Munsif—will satisfy the people. The Government will see what ought to be done regarding this.

[Hon. Sri R. Raghava Menon] [14th September 1946]

“ There were some other criticisms about repairs, and the definition of buildings. I can say that any building can very well come under the definition of ‘ building ’. I have gone through the amendment that has been placed before the House by the hon. Member Mr. Suryanarayana Rao. I do not find much force in that. As regards repairs, it is much better that we do not define the words ‘ repairs ’. Because the moment the term ‘ repairs ’ is defined, every tenant will say to the landlord ‘ these are the things you must do ’. Then there will be no end to these repairs. So we have left the term undefined, as we thought that it would be a more equitable thing under the circumstances.

“ One word more about this Bill. It is said that this popular Government ought to have taken power to requisition buildings. There was the Accommodation Control Order working from November to January. At the request of the Accommodation Officer, it was withdrawn, because the question of priority as to who must be given the house came up. For half a dozen houses 2,000 applications came. Whoever may get the house, Government will be criticised for partiality. For that very reason we thought that an Accommodation Bill requisitioning all buildings will be difficult to work. We will have to set up a machinery which will be very big, and even then we cannot be sure whether it will work efficiently. So, Government has not taken power to requisition buildings. We have taken power to provide for a few houses for Government officials who have to be here. Government has to run, and for that the officials must be here. They cannot do their duties by remaining in Palghat. These Government servants are now in certain houses, and there are some difficulties. Their landlords want the houses, but the Controller says ‘ the tenant is a Government officer in Madras; I will not order the eviction. ’ The poor landlord is thus prevented from getting his house. Should not that landlord get his house? We cannot say ‘ those landlords ran away from Madras in 1942; why should they be given the houses now? ’ May I ask, are not those landlords citizens of Madras? Have they no duty to attend to in Madras? If a landlord wants for his own occupation a house, and if he has got five houses, he must be given one house, and he must be allowed to remain in Madras.

4 p.m. “ According to this Bill, the landlord is allowed to occupy only one house for his own living purposes and not to claim the right to live in all the houses he owned. That is not democracy. It is only a slur to say that this popular Government is favouring only the landlord because they are afraid of them. This Government is not afraid of either the landlord or the tenant. (Dr. Syed Tajuddin: ‘ Government issued a communique to the people to leave the City ’). I am not responsible for that; they were not a courageous Government and it may be they issued such a communique.

“ There is also another thing. The Bill is very clear in regard to the landlords owning many houses. Supposing a landlord let his houses to tenants and he cannot get any house—he may have

14th September 1946] [Hon. Sri R. Raghava Menon]

a good many decent houses—he is entitled only to get one house and only one and he is not to get a second house. So also in regard to non-residential buildings. After all the intention of the Government is to see that the tenants get all the houses available to them and it is not the business of the Government to go and interfere with 'A' tenant by sending him away and putting in 'B' tenant there. Suppose a landlord says, I will live till 10 o'clock in one house and then in another house thus changing his residence every hour, then in such a case I hope hon. Members will co-operate with the Government in modifying the Bill to see how many houses the landlord can have.

"Then reference was made to essential services. In this connection, I have only to tell hon. Members of this House that we have considered all the aspects of the question very well and tried to do our best to be equitable to both sides and we have not favoured any class of tenants, and we have also considered measures necessary so that people living in Madras and in urban areas and in other places may continue to live without any turmoil as regards this house problem. We do not want to take more power under this Bill than what is absolutely necessary in respect of lease and regulation of rent. No doubt, there are many other things which could have been done for solving the housing problem such as building of new houses but these do not come under the purview of this Bill.

"With these few remarks, I move that the Bill, as passed by the Assembly, be taken into consideration at once."

The motion was put and carried.

Clause 2.

* SRI R. SURYANARAYANA RAO :—"Sir, I move—

'that in clause 2 (1) for the definition of "building" substitute the following :—

"'Building' means any building or part of a building, hut, shed and any other structure whether of masonry, bricks, wood, mud, metal or any other material whatsoever, let or to be let separately for residential or non-residential purposes, and includes—

- (a) the garden, grounds, stable, latrine, and out-houses (if any) appurtenant to such building or part of a building or hut or shed or any other structure; and*
- (b) any furniture supplied by the landlord for use in such buildings or part of a building or hut or shed or any other structure."*

"Sir, the Hon. Minister in the course of his remarks said that it is not very necessary to completely define every word but I say, Sir, here is a word which has been defined in previous Statutes and you may adopt it. It is in Madras Act III of 1922 and that is the City Tenants Protection Act where the definition of 'building' was put in by the late Sir K. Srinivasa Ayyangar. The definition of a building there is as follows :—

"'Building' includes a house, out-house, stable, latrine, shed, hut and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever."

[Sri R. Suryanarayana Rao] [14th September 1946]

"My argument in favour of this is strengthened by the fact that this definition of 'building' applies both for residential and non-residential buildings. Supposing there is a motor-shed, an MV shed which is put up in the compound of a building and has to be occupied—it is not a hut—nobody will consider a shed a hut. I am sure that when such a case goes before the Court, the Legislature will be criticised saying that proper definition of words has not been insisted upon. Otherwise, the protection that is sought to be given even for non-residential buildings will be nullified, unless a good definition covering all buildings, both residential and non-residential, is included.

"My amendments (a) and (b) to clause 2 (1) have connection only with the first definition.

"I know, even though the Hon. Minister wants to accept them, he cannot do so. I would, however, appeal to the Government to see that when measures of this kind are brought forward in future, he will not give room to the High Court or other courts to pass strictures. I know even in the City Tenants Protection Act, strictures have been passed that the Legislature did not give proper expression to their intentions. It is for that purpose I wanted this definition, which I have given in my Bill, to be incorporated in this Bill and I hope the Hon. Minister will see if it is possible for him to accept it; otherwise these MV sheds and sheds of metal will not come under the scope of this Bill."

* MR. K. O. ANTHONI :—"I second amendment."

* THE HON. SRI K. BHASHYAM :—"I do not think it is necessary; extraordinary cases like MV sheds will not come under the scope of this Bill. Even if it be the case, we need not take note of all that here. Anyhow, the Bill is only for the use of houses and so, it is enough if houses used for residential or non-residential purposes are taken into account."

The amendment was put and lost.

* SRI R. SURYANARAYANA RAO :—"I move that in clause 2 the following definition be added namely,

" 'Repairs' means any work which materially assists in keeping the building in a fit condition, is suitable to it and consistent with the purpose for which the building is let.

"Sir, repairs are referred to in section 11 (3) of the Bill but I would like to substitute my definition for the existing one because there may be cases in which a landlord may consider mere white-washing as constituting repairs, and does not carry out any other repairs. I therefore thought it better to make that clear in a legislation of this sort, so that the courts or the Controller himself may be properly guided. That was my intention because the word 'Repairs' has come under section 11 (3) also."

The amendment was duly seconded.

* THE HON. SRI K. BHASHYAM :—"Sir, my hon. Friend seems to have overlooked the fact that it is section 11 (2) that deals with repairs. We know what repairs are; it is not extraordinary repairs but only necessary repairs and this is provided for."

The amendment was put and lost.

14th September 1946]

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Sir, in sub-clause (4) of clause 2, I move the following :—

‘ After the words, “ a person placed in occupation of a building by his tenant ” add the words “ or a permissive occupier or a licensee ”.’

“ The definition of ‘ tenant ’ in this sub-clause does not include a person substituted by the existing tenant. I think it has probably reference to permissive occupiers or licensees put in occupation by the tenant. What about occupiers or licensees put in occupation by the landlord himself? It is a very serious omission. That is why I want that permissive occupiers and licensees may also be excluded from the purview of the Act. My amendment requires that permissive occupiers and licensees, put in occupation by the landlord himself should also be excluded from the purview of this Act and that they should be dealt with under the Transfer of Property Act.”

The amendment was duly seconded.

* THE HON. SRI K. BHASHYAM :—“ It is only elucidating the definition of tenant. This clause refers only to houses occupied by tenants and not by landlords and if the tenant wants to lease away to a sub-tenant and arranges with him for looking after his house in his absence without payment of rent, nothing can be done and if such houses are left vacant, we want to take possession.”

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ What I would like to point out, Sir, is there are cases in which landlords, when they go out of their place, put some persons in occupation without any stipulation of rent. They are what we call permissive occupiers or licensees. Are they to come under this definition? Suppose, when they return, such occupiers refuse to vacate the house. Then are they to seek remedy under this Bill or under the Transfer of Property Act? That has to be clarified, because they may be told that they must go to the court of law for their remedy under the Transfer of Property Act and that no relief can be had under this Bill. Therefore, I want this position to be clarified.”

* MR. PRESIDENT :—“ Is the hon. Member thinking of a case in which a landlord vacates a house by putting in some other person? ”

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Yes, Sir. I am referring to cases where a landlord, during his absence, permits a relation or a friend to occupy his house but who afterwards takes advantage of the situation and refuses to vacate and let him into the house.”

* THE HON. SRI K. BHASHYAM :—“ This Act does not apply to them at all.”

THE HON. SRI R. RAGHAVA MENON :—“ The classes of tenants not contemplated in the Bill are excluded from the scope of the Bill.”

The amendment was put and lost.

Clause 2 was put and carried.

[14th September 1946]

Clause 3.

* SRI R. SURYANARAYANA RAO :—" Sir, I move—
' clause 3 be omitted.'

" Sir, I need not make any speech as many hon. Members have already referred to the fact why this clause 3 is objectionable and it has been made more objectionable by the fact that the limit of rent has been raised to Rs. 30. I know what happened in your Select Committee. If it is the intention to give houses to Government officials, the clause has been made more objectionable, apart from the general consideration that a particular section of the community could not derive any benefit. As other hon. Members have already made speeches pertinent to this clause pointing out how it is objectionable, I formally move that this clause be omitted."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" While seconding the amendment, Sir, I wish to say that even as the clause stands, it does not state whether the landlord can occupy a house himself if it falls vacant by the termination of the tenancy. In such cases, will the landlord not be given priority? "

* THE HON. SRI K. BHASHYAM :—" In fact it was intended to be so ; provided he has no business in Madras and when a Government servant wants it, we can take it."

THE HON. SRI R. RAGHAVA MENON :—" Sir, this amendment cannot be accepted. We have excluded houses fetching a rent of Rs. 30 and below and left them to be settled between the landlord and the tenant and that Government do not want to interfere in such cases. I have already stated the reasons why clause 3 is necessary."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4.

* SRI R. SURYANARAYANA RAO :—" Sir, for the reasons stated during the course of the general discussion, I do not think Government will restrict the discretion of the Controller except the directions given to him under clause 4 (2). Though the discretion given is an improvement on the original Bill, yet it does not seem necessary to create various grades. On the other hand, if a general discretion is given to the Controller to the effect that in no case the rent shall exceed—as at present mentioned in the House Rent Control Order—more than 8-1/3 per cent it would have been very helpful to the tenants. The reasons given by the Hon. Minister why they have fixed a different value, are not convincing and I cannot really understand the necessity for graded increment in rent."

* MR. PRESIDENT :—" Is the hon. Member going to move each part of the amendment separately or is he willing to move all the amendments under clause 4? "

14th September 1946]

* SRI R. SURYANARAYANA RAO :—“ Sir, I move each of them separately :—

‘ For clause 4 (3) (i) to (iii), the following shall be substituted, viz. :—

“ (3) In fixing the fair rent of residential buildings, the Controller may allow an increase not exceeding $8\frac{1}{2}$ per cent on the existing rate of rent or rental value referred to in sub-section (2) ”.

“ I have also suggested here that instead of 25, $37\frac{1}{2}$ and 50 in the case of buildings constructed after 1st April 1940, the rent should not exceed $12\frac{1}{2}$, $18\frac{3}{4}$ and 25, respectively, as I feel the increases provided under this clause are much too large and it is here we feel that the Bill is more in favour of the landlord than the tenant. If a tenant is sufficiently affluent, he will have his own house but if he is not affluent, and his income is limited and if he has to live in rented houses it will work great hardship, especially as his income has not risen in proportion to the proposed rise in rent fixed under this Bill. I formally move my amendment :—

‘ In the proviso to clause 4 (3), substitute “ $12\frac{1}{2}$, $18\frac{3}{4}$ and 25 ” respectively for “ 25, $37\frac{1}{2}$ and 50 ” respectively ’.

* MR. K. O. ANTHONI :—“ I second it.”

THE HON. SRI R. RAGHAVA MENON :—“ Here, the Bill provides for various grades of increase, namely, $8\frac{1}{2}$, $12\frac{1}{2}$ and 25. Only after considering the condition of both parties these rates were fixed. Up to Rs. 25, we have fixed $8\frac{1}{2}$ per cent because tenants also will be poor in regard to this class of houses. A further increase up to $12\frac{1}{2}$ per cent is provided in the case of houses fetching a rental of Rs. 25 to Rs. 50. Since there are only very few persons who pay a rent of more than Rs. 50 and they can afford to pay 25 per cent more and so we have provided 25 per cent increase. Moreover, these increases are only on the rents prevailing in 1939-40. So, it should not be thought that the Government have fixed the rents arbitrarily. It is only after careful consideration we have fixed this equitable rent. The higher percentage of increase is in regard to buildings, that is where shop-keepers and merchants have their godowns and shops and that too on the rent of 1939-40. (Sri R. Suryanarayana Rao : ‘ It refers to residential buildings.’) Yes. For residential buildings also. It is only $37\frac{1}{2}$ and 50 per cent. There, of course, the consideration was that the persons who use such houses for business purposes have to spend more by way of increased rent. It is on that account that this increase has been provided in their case and it is not at all high.”

* SRI R. SURYANARAYANA RAO :—“ On a point of information, Sir. Supposing a house was constructed in 1941 and the tenant entered into tenancy on a certain rental and if the landlord now comes and asks for increase in rent from the tenant, what will be the increase? ”

[14th September 1946]

THE HON. SRI R. RAGHAVA MENON :—" If the rent is higher than the fair rent, I will say the landlord is not entitled to get anything more."

The amendment was put and lost.

* SRI R. SURYANARAYANA RAO :—" Sir, I move that :—

' The following provisos be added to clause 4 (3), viz. :—

" Provided such increase shall be granted only in cases where the landlord has been carrying out the necessary repairs :

" Provided further that in respect of houses constructed after 1st April 1940, the Controller shall in addition take into account any general increase in the cost of sites, building materials and cost of construction subject to the maxima prescribed in the proviso to section 4 (3)."

" The amendment that I have suggested is contained in the House Control Order. The first proviso is intended to safeguard the tenant so that the landlord may carry out repairs, and this has been answered by the Hon. Minister. I do not, therefore, propose to press that amendment. The only purpose in this amendment is that if the landlord does not carry out necessary repairs, he shall not be entitled to the fixing of the fair rent."

The amendment was duly seconded.

THE HON. SRI R. RAGHAVA MENON :—" Sir, this amendment is unnecessary because fixing of fair rent is one thing and repairs to be carried out by the landlord is another thing and repairs have been provided for in clause 11, wherein it is stated that if the landlord does not carry out the necessary repairs, the Controller can direct the tenant to carry out repairs and to deduct the cost from the rent payable. This proviso need not therefore be tagged on to this clause since repairs are already provided in the Bill."

The amendment was put and lost.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Sir, I move the following amendment that stands in my name :—

' In sub-clause (3) (i) after the words " sub-section (2) " add the words " exceeds Rs. 10 and ".'

" The intention of this amendment is to give relief to the lowest class of tenants. Now the increase provided is in regard to all classes of tenants. There are very many poor people who pay about Rs. 10 or less than Rs. 10 as rent and living in a part of a building or hut. My amendment contemplates that such tenants should not be asked to pay any higher rent than they are paying at present. While moving this amendment, I want to make it clear that I am not for doing any injustice either to the tenant or to the landlord. In any ordered society, justice must be done to all classes. Tenants there will be and landlords there will be and there is no point in saying that I am for tenant and I am not for landlord and there is no point in another man saying, I am for landlord and I am not for tenant. All classes of people

14th September 1946]

[K. T. M. Ahmed Ibrahim Sahib Bahadur]

must receive justice at the hands of the Government and at the hands of society. My point is that there are tenants who have invested all their life's earnings in these buildings and especially in the case of Muslims, it is enjoined on them by their religion not to receive or pay interest and those people who act strictly according to the injunctions of their religion do not invest in banks but prefer to invest their money either in lands or houses and if you say that those persons should go without any return for their money, it would be penalising them for preferring houses and lands to investment in banks. If you say that these people ought not to receive proper return for their investment, what about those who have invested their money in banks and receive interest. On the other hand, by investing money in lands and houses, they also run the risk of losing a part of their money by way of depreciation and that also has to be taken into consideration. I want that justice should be done to all classes of people but at the same time, in view of the poor condition of these poor labourers and semi-starving Government servants and others, I want to propose that these tenants who pay Rs. 10 or less than Rs. 10 as rent should be exempted from the operation of the provisions of this bill regarding increment of rent."

The amendment was duly seconded.

THE HON. SRI R. RAGHAVA MENON :—"The object of the amendment is, Sir, that houses fetching a rental of Rs. 10 and less should be exempted. Here, small houses are owned also by small persons but we must take the whole thing generally and even from the point of necessary repairs like whitewashing of these houses, some little money is required. After all we have provided only for an increase of $8\frac{1}{2}$ per cent up to a rent of Rs. 25. The difficulty raised by my hon. Friend will be for small landlords also. This is after all a very small amount, namely, about twelve annas. Therefore, I do not accept the amendment because it is a very inconsequential amendment."

The amendment was put and lost.

* SRI R. SURYANARAYANA RAO :—"I move, Sir, the following two amendments which relate to non-residential buildings :—

Clause 4 (4).

'Substitute the following for the existing clause 4 (4) (i) and (ii) : "In fixing the fair rent of non-residential buildings, the Controller may allow—

(i) if the rate of rent or rental value referred to in subsection (2) does not exceed Rs. 25 per mensem, an increase not exceeding $12\frac{1}{2}$ per cent on such rate or rental value ;

(ii) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase of $18\frac{1}{2}$ per cent on such rate or rental value ;

(iii) if the rate of rent or rental value exceeds Rs. 50 per mensem but does not exceed Rs. 100, an increase of 25 per cent on such rate or rental value ;

[Sri R. Suryanarayana Rao] [14th September 1946]

(iv) if the rate of rent or rental value exceeds Rs. 100, an increase of $37\frac{1}{2}$ per cent on such rate or rental value."

In the proviso to clause 4 (4) substitute " 25, $37\frac{1}{2}$, 50 and 75 " respectively for " 50 and 100 " respectively.'

" I shall deal with both these amendments together, Sir . . . "

* MR. PRESIDENT :—" I wish to inform the House that the Hon. the Prime Minister has got a statement to make to the House at the end of this business. I would therefore request all hon. Members to be present in the House at the time."

* SRI R. SURYANARAYANA RAO :—" Sir, I have suggested four kinds of increments instead of two. I have divided the buildings according to the rental value and in doing so, I have in my mind the small shop-keeper and the small trader, so that all need not be clubbed together. As my hon. Friend, Mr. Farookhi Sahib stated, these people will not indulge in black-marketing and make such huge amounts as to make up this large percentage of increase provided in the Bill. I think my figures are very reasonable. I do not know how this aspect of the question has escaped the attention of the Hon. Minister, because all persons are not so prosperous as to enable them to give 50 or 100 per cent increase."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I second the amendments, Sir."

THE HON. SRI R. RAGHAVA MENON :—" Even now the Controller is given discretion to fix the increase according to various classes of houses and even then we have given only the maximum; it is not a compulsory amount and discretion is given to the Controller to fix any increase within the maxima prescribed in the section. In such circumstances, the amendment cannot be accepted."

The amendments were put and lost.

* SRI R. SURYANARAYANA RAO :—" I move, Sir, the following amendment to sub-clause (5) of clause 4, namely :—

' For clause 4 (5), the following shall be substituted :—

" In the case of a building for which fair rent has been fixed before the commencement of this Act, the Controller shall entertain application for increase only under section 5 of the Act."

" This is a very important amendment, Sir. Already under the House Rent Control Orders of 1941 and 1945, many landlords have taken advantage of the provisions made in those orders for increases in rent—it may be $8\frac{1}{3}$ per cent, that is the increase in rent that was provided before this Bill was introduced. My contention is when there has already been an increase in rent provided for in the case of certain amenities provided by the landlord, why should the landlord be again asked to go to the Controller and ask for another increase in rent and thereby putting the tenant to the inconvenience of going to the Controller's office to protest against the increase proposed. This procedure is most annoying to the tenant as he has already agreed to pay an increased rent under the previous order of the Controller. I say it is unfair to the

14th September 1946] [Sri R. Suryanarayana Rao]

tenant to ask him to go again to the Controller and to plead his case time and again when once the fair rent has already been fixed by the Controller. This is a concession to the landlord and not to the poor tenant who has already been paying an increased rent."

The amendment was duly seconded.

THE HON. SRI R. RAGHAVA MENON :—" Sir, the increment that is already provided for is the normal increment which is necessary due to the rise in prices of articles of life as well as of articles required for repairs. That is only on the rent prevailing between 1939-40. This provision is for the repairs made by the landlord at the request of the tenant and with the permission of the tenant."

* SRI R. SURYANARAYANA RAO :—" I refer to cases coming under sub-clause (5) of clause 4 in regard to fixing of fair rent."

THE HON. SRI R. RAGHAVA MENON :—" The Controller will allow only such increase in the fair rent as the landlord is entitled to. If the landlord and the tenant agree among themselves, there is no necessity and there is no compulsion for the landlord to go to the Controller again for an increase."

* MR. PRESIDENT :—" The amendment relates to cases where the fair rent already fixed need not be fixed again."

* THE HON. SRI K. BHASHYAM :—" So far as the question of fair rent fixed on the basis of the rent prevailing in 1939-40 is concerned, there has been no increase in respect of the matter. Now, it is unfair that persons who have submitted themselves to the fixing of the fair rent based on 1939-40, should be left out of this Bill. When persons apply again in respect of whose buildings fair rents have not been fixed and who go before the Controller, under this Bill, it is unfair to them to say, that they should not have the benefit of the other Bill. As a matter of fact, basic rent was fixed with reference to the rent prevailing in 1939-40. They should have the benefit of this Bill also for the purpose of increase."

* MR. PRESIDENT :—" What is the benefit under the other Bill?"

* THE HON. SRI K. BHASHYAM :—" The benefit under the other Bill was $8\frac{1}{3}$ per cent. In respect of fixing higher rent, discretion is given to the Controller and if he has already given an increase of $8\frac{1}{3}$ per cent, he may not give a further increase. The discretion is given to the Controller to either raise it or not—if already a benefit is given to the landlord, he will not be entitled to a further increase and if there is no benefit, he will be entitled to it."

* SRI R. SURYANARAYANA RAO :—" The Hon. Minister agrees with me that he has to go through the whole procedure again."

* MR. PRESIDENT :—" The Controller will take note of it."

The amendment was put and lost.

Clause 4 was put and carried.

Clause 5 was put and carried.

[14th September 1946]

Clause 6.

4-30
p.m.

* SRI R. SURYANARAYANA RAO :—" I move—

' Substitute the following for existing clause 6 :—

" No landlord shall require payment of more than one month's rent in advance either when letting out a house or when renewing a lease and that any amount in excess of this, premium, advance or other like sum in addition to or in excess of the fair rent paid by a tenant, whether before or after the commencement of this Act will be refundable to the tenant or adjusted at his option."

" Sub-clause (a) of clause 6 provides that the landlord shall not receive as advance from the tenant more than one month's rent. This sub-clause is preceded by the preamble " When the Controller has determined the fair rent of a building ". It looks as if the landlord cannot receive more than one month's rent only when the Controller has determined the fair rent of the building. Suppose the matter does not go before the Controller and he does not fix the rent. In such a case, it looks as if the landlord can receive more than one month's rent. My amendment provides for such a contingency."

The amendment was duly seconded.

* THE HON. SRI K. BHASHYAM :—" So far as this question is concerned, if there is an original contract between the parties, at the time of coming into force of this Act, some sum in excess would have been paid. Only when the matter goes before the Controller and he fixes the fair rent, what the excess is can be determined. If the matter does not go before him, the excess cannot be determined at all. Unless the Controller fixes the fair rent, neither the landlord nor the tenant can say which is the fair rent and which is excess. The clause as it stands is absolutely correct. If any sum had been paid before the fixation of fair rent, clause (c) provides for refund. Therefore there is no hardship at all."

The amendment was put and lost.

Clause 6 was put and carried.

Clause 7.

* SRI R. SURYANARAYANA RAO :—" I move—

' In clause 7 (2) (i) before " or " and after " payable " the following shall be inserted :—

" and that he is not ready and willing to pay the arrears of rent on the date of the hearing of the application."

" I am sorry, my hon. Friend Mr. Tajuddin who raised this point is not here. Under the House Control Order, if a landlord files a suit for eviction for non-payment of rent and if the tenant offers to pay the arrears of rent on the date of the hearing, the Controller used to permit such payment and the tenancy continued. There was provision for this in the original order. Under clause 7 (2) (i) as it stands, the Controller cannot permit the tenant to

14th September 1946] [Sri R. Suryanarayana Rao]

pay the arrears of rent on the date of hearing and strike off the case. I do not know what prompted the Hon. Minister to omit this provision in the present Bill."

The amendment was duly seconded.

THE HON. SRI R. RAGHAVA MENON :—" We have given in this Bill opportunities for both classes of tenants, i.e., where there is a date fixed and also where there is no date fixed. If a provision like the one which the hon. Member suggests in the amendment is made, there are a number of tenants who do not like the landlord and will not pay him, because they can be quite sure that they can continue to defy the landlord till he is compelled to go before the Controller, then duly pay the amount, and erase the whole thing, and next time also such defaulting tenants would wait till the landlord goes to the Controller. That will be a hardship for the landlord. When a time is fixed, it is the business of the tenant to pay within that time. Such a provision will be harassing the landlords and giving unnecessary indulgence to tenants."

* SRI R. SURYANARAYANA RAO :—" Excuses such as those mentioned by my friend Mr. Tajuddin are reasonable. A man may be in hospital or he may be out of station. When there is reasonable excuse, generally the Rent Controller used to permit him to pay the arrears of rent on the date of the hearing and stop further proceedings."

THE HON. SRI R. RAGHAVA MENON :—" That can be done even now."

The amendment was put and lost.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I move—

' In sub-clause (2) (ii), after the word " has " add the words " before or ".

' In sub-clause (3) (a) (ii) for the words " a business which he is carrying on " substitute the words " his business."

' In sub-clause (4), after the words " obtaining possession " add the words " or vacates or leases the same to another person within three months of the said date ".

" In the House Rent Control Order, 1945, I think there was a provision to the effect that if a tenant sub-lets the house to another tenant before the order took effect, even then the landlord had the right to evict the tenant. That right has been taken away now, because the landlord has no right to evict the tenant who sub-lets before the commencement of this Act. My first amendment provides for this.

" Sub-clause (3) (a) (ii) provides that a landlord can ask for the eviction of a tenant only if the tenant is not occupying it for a business which he is carrying on. He will not have the benefit of the building for starting a business, and he is prevented from starting a business all his life. My second amendment provides for both classes of business.

[14th September 1946]

[K. T. M. Ahmed, Ibrahim Sahib Bahadur]

“ There may be cases in which a landlord may obtain possession, stay for two or three days, and then let the house to some other person. To prove that the landlord's need of the house is *bona fide* and not merely intended for evicting the tenant, he must be made to reside in the house for at least three months from the date of occupation. If he does not do that, priority must be given to the tenant who has been evicted from the house. My third amendment deals with this point.”

The amendments were duly seconded.

THE HON. SRI R. RAGHAVA MENON :—“ The first amendment seeks to make the clause applicable to the tenant who has sublet or done anything before the commencement of this Act. The Government thought that that would be an unnecessary interference with things which have already come into existence. This clause takes note only of tenants who after the commencement of this Act without the written consent of the landlord transfer their right, etc. This Act is a little more comprehensive, because the previous order did not stipulate a portion of the house. But here even if he sub-lets a portion of the house, he is liable for eviction. The words “ after the commencement of the Act ” were deliberately put in. This Act never takes a retrospective view of any thing.

“ The second amendment seeks to substitute the words ‘ his business ’ for the words ‘ a business which he is carrying on ’. If this is accepted, everybody will come forward to get godowns, etc., vacated to spoil the tenant and to let the godowns for higher rent. He has only to say that he wants to start a business. It will be a very difficult thing to decide for the Controller or even a judicial authority. It will complicate matters. That is why it is provided that a landlord may apply for the eviction of the tenant only if he is not occupying the building for purposes of a business which he is carrying on. This clause is clearly definite that the claim of the landlord must be *bona fide*.

“ The third amendment says that the landlord must continue to live after getting possession of the house at least for three months. Suppose the landlord is an official and he has to go away on transfer or leave the place on *bona fide* grounds. He will necessarily have to re-let the house. Only some other tenant will get it. By that time the tenant who was evicted would have got some other house. If we provide for three months, the question will arise why not for six months and so on. We have provided that the landlord who evicts the tenant should occupy the house within one month. No landlord will leave the house for ordinary purposes. Many more provisions can be made, but it is not necessary. This Bill goes only to some extent and not to all extent.

“ So these amendments cannot be accepted.”

The three amendments were put and lost.

14th September 1946]

* SRI R. SURYANARAYANA RAO :—“ Sir, I move the following amendments :—

(1) *Clause 7 (2) (iv) shall be omitted.*

(2) *In clause 7 (3) (a) (i) substitute the word “ needs ” for “ requires ”.*

“ As regards my first amendment, this is a new clause which was not in the previous order. I do not know why this clause has been introduced. I know there are cases in which the tenant may have been guilty of such acts and conduct which are a nuisance to the occupiers of buildings in the neighbourhood. Though I am not a lawyer I think there must be a general provision elsewhere, because this is not a circumstance brought about by the conditions of war. If there are tenants guilty of such acts, there must be a general clause. When we go to the Controller's office, I am afraid, a lot of dirty linen will have to be washed. If there are four or five tenants in a house, it may be in the interests of the landlord to set up one tenant against the other and make him complain. It will mean a lot of things which ought not to come before a court. Things that occur in family life will be brought before the Controller. I wish this provision is not there. There are other provisions under which the landlord can get the tenant evicted.

“ As regards the second amendment, I am surprised that the Hon. Minister who comes from Malabar forgot that the word ‘ requires ’ used in section 14 of the Malabar Tenancy Act, led to a lot of litigation. The Advisers' Government removed the word ‘ requires ’ and substituted it by the word ‘ needs ’ in that Act. I know the Hon. Minister would not accept the amendment, but I want him to bear this in mind that that is likely to lead to litigation if somebody takes the matter to the court.”

The amendments were duly seconded.

THE HON. SRI R. RAGHAVA MENON :—“ The first amendment is to omit clause 7 (2) (iv). This provision is taken from the Bombay Act. The tenants, thinking that they are safe because the Control Order is there, may act in such a manner as to become a nuisance. Such tenants have to be removed. No landlord will bring such an accusation unless there is something serious about it. When it becomes impossible for the landlords to tolerate the conduct of tenants, necessarily they have to go to the Controller.

“ The second amendment relates to clause 7 (3) (a) (i) which says ‘ in the case of a residential building, if he requires it for his own occupation and if he is not occupying a residential building of his own in the City, town or village concerned ’. If the landlord *bona fide* requires the building for his use, then he can apply to the Controller. There is also the other provision that if the landlord does not occupy the house within one month of the eviction of the tenant, the evicted tenant is entitled to be restored. Here he requires the house for his own occupation. The trouble in the Malabar Tenancy Act was with regard to cultivable lands.

[Hon. Sri R. Raghava Menon] [14th September 1946]

The question was whether the land was for his cultivation or for leasing. This is not on a par with the Malabar Tenancy legislation.

The amendments were put and lost.

Clause 7 was put and carried.

Clause 8.

* SRI R. SURYANARAYANA RAO :—“ I move—

‘ Add the following clauses after clause 8 :—

‘ Any urgent repairs or measures for the maintenance of any essential supply or service where delay in the ordinary procedure is likely to cause personal loss, damage or serious inconvenience to the tenant, may be carried out by the tenant himself after giving 24 hours’ notice to the landlord. On completion of such repairs or measures the tenant shall be entitled to payment of such costs as are determined by the Controller and which the tenant may be allowed to deduct from the rent due or otherwise recover the amount from the landlord. No appeal shall lie against the order in respect of costs determined by the Controller.

“ Every landlord shall make any repairs which he is bound to make to the house within a reasonable time after notice is given by the tenant failing which it shall be competent for the Controller on application by the tenant to direct that the repairs may be made by the tenant and that the cost of such repairs may be deducted from the rent which is payable by him. In case of dispute the order of the Controller in respect of costs shall be final.”

“ The Hon. Minister said that he took the provision made in clause 7 (2) (iv) from the Bombay Act. This provision I have taken from the Bengal House Rent Control Order. In Calcutta this became a very serious affair. Some amenities which were urgently needed such as water connection or supply of electric energy were not provided. So any urgent repairs or measures for the maintenance of any essential supply or service where delay in the ordinary procedure is likely to cause personal loss, damage or serious inconvenience to the tenant, may be carried out by the tenant himself after giving 24 hours’ notice to the landlord. After all, the amount involved may not be much. The cost as fixed by the Controller may be allowed to be deducted from the rent due or otherwise recovered from the landlord. I want to know from the Hon. Minister whether the “ necessary repairs ” in clause 11 (2) covers this also.”

* THE HON. SRI K. BHASHYAM :—“ Clause 8 (1) covers this also.”

* SRI R. SURYANARAYANA RAO :—“ My whole point is this. Suppose electric supply fails. Repairs have to be made. It is not the duty of the tenant ; it is the duty of the landlord who receives rent to keep the essential supplies in good order. A case

14th September 1946] [Sri R. Suryanarayana Rao]

arose in Calcutta in the recent clash, and as a result the House Rent Control Order was amended and this clause had been added, because some people had to go without water for a number of days and in some cases without electric lights. If the Hon. Minister assures me that 'necessary repairs' covers this and that this will be made clear in the rules to be made, I have no objection to withdraw my amendment."

The amendment was duly seconded.

* THE HON. SRI K. BHASHYAM :—" So far as this matter is concerned, the provisions made in clause 8 (1) and clause 11 (2) are sufficient to cover all the difficulties which my hon. Friend raised here. In the one, it is provided that no landlord shall withhold any of the amenities enjoyed by the tenant and in the other that necessary repairs may be carried out by the tenant himself and charge it to the landlord. Both the provisions meet sufficiently the points raised by my hon. Friend. Therefore, it is unnecessary to move the amendment."

* SRI R. SURYANARAYANA RAO :—" Section 8 is an offence committed by the landlord. If you can make it clear in the rules that 'necessary repairs' covers essential supplies, I do not mind withdrawing the amendment."

THE HON. SRI R. RAGHAVA MENON :—" No new amenities will be included. If they are old amenities, clauses 8 and 11 provide for them. No new things are contemplated by this Act, and in any case the amendment is unnecessary."

* SRI R. SURYANARAYANA RAO :—" I do not see why the Hon. the Law Minister and the Hon. Minister in charge of the Bill should not assure me that the words 'necessary repairs' will be defined."

The amendment was put and lost.

Clauses 8, 9, 10 and 11 were put and carried.

Clause 12.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I move—

Substitute the following for sub-clause (1) (a) :—

"(1) (a) from every order passed by the Controller an appeal shall lie

(i) in the City of Madras, to the Madras City Civil Court,

(ii) elsewhere, to the subordinate judge or the district judge as the case may be, but no appeal shall lie from an order passed by the Controller with the consent of parties."

"It has been pointed out by many members during the discussion of the Bill that the better course would be to give power to judicial officers to decide applications arising under this Act. We have had experience of these Controllers and we know how they have been faring. There is no regular procedure with regard to adducing of evidence. It is all done in a summary manner. In

[14th September 1946]

[K. T. M. Ahmed Ibrahim Sahib Bahadur]

any case people have been suffering. From our point of view, it will be advantageous to place the whole matter in the hands of judicial officers. Originally I thought of proposing that 'Controller' should be defined as a judicial officer. In view of the fact that certain executive functions are given to the Controller under this Bill for example, with regard to notice to be given by landlords when the house falls vacant, I thought it would be against the whole scheme of the Bill if I were to define the Controller to mean a judicial officer. I feel there must be some check on the Controllers by providing appeals to judicial tribunals. In the old order, appeals lay to the Collector. But now since the Government has not defined the appellate authority—it can be defined in the rules also—I am definitely moving that this appellate authority should be only judicial officers and not the executive officers. If the Government can see their way to appoint even Controllers from among the judicial officers, it will be far better. If this is impossible, let them at least accept this amendment which only provides a check on the action of the executive officers. As a lawyer the Hon. Minister knows how this amendment is necessary as a check on the Controllers."

The amendment was duly seconded.

8 p.m.

* SRI R. SURYANARAYANA RAO:—"My amendment is, without disturbing the arrangement of clauses 12 (1) (a) and (b), as follows:—

'For clause 12 (1), substitute the following:—

"Any person aggrieved by an order of the Controller except in cases where his finding is final under this Act may within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Civil Court having original jurisdiction over the area in which the house is situated."

"My amendment takes the place of sub-clauses (a) and (b) of clause 12 (1) and the rest of the section stands as it is. I think, no argument is necessary. We have in the course of the general discussion of the Bill suggested that provision should be made for appeals against the orders of the Controller to civil courts and that the executive should not be invested with the powers of an appellate authority in certain classes of cases to be notified in the *Fort St. George Gazette*.

The amendment was duly seconded.

THE HON. SRI R. RAGHAVA MENON:—"The Government have taken power to appoint either a judicial officer or an officer other than the Executive Officer who will be competent to sit in an appeal over the orders of the Controller, but it has not been definitely stated in the Act. The suggestion of the hon. Member and his amendment will be given due weight and provisions will accordingly be made in the rules to be made under this Act. So the amendment is not necessary. The Government are now aware of the views of the hon. Member. The amendment cannot be accepted."

14th September 1946]

* SRI R. SURYANARAYANA RAO :—“ In view of the assurance given by the Hon. the Minister that he will take note of my point, I do not want to press my amendment.”

The amendments were by leave of the House, withdrawn.

Clause 12 was put and carried.

Clause 13.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ I withdraw my amendment, Sir.”

* MR. PRESIDENT :—“ I shall now put clauses 13, 14 and 15 to the vote of the House, as there are no amendments to them.”

Clauses 13, 14 and 15 were put and carried.

Clause 16.

* SRI R. SURYANARAYANA RAO :—“ My amendment is—

‘ In clause 16 (1), omit the following words :—

“ with simple imprisonment for a term which may extend to three months or ”.”

In moving this amendment, I do not think, Sir, that this, coming as it does from one who has been worrying the Government on behalf of the tenants, will be rejected by the Government. I do not know why the Government insist on having this imprisonment along with fine. After all a fine is a sufficient deterrent. I do not think that in a Bill like this, which is still now a matter of civil action, unless the House-Rent Controller considers that the offences are so serious as to require a punishment of this severe nature as imprisonment, there is any necessity for this deterrent punishment. Clause 16 (2) empowers the Magistrate to impose fines even exceeding Rs. 1,000. I think, Sir, that the Government, even if they are not able to accept my amendment, would do well to issue executive instructions to the concerned authorities not to exercise this provision of the Act.”

The amendment was duly seconded.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Mr. President, Sir, my amendment is exactly similar to that moved by my hon. Friend, Mr. Suryanarayana Rao and it is this :—

‘ In clause 16 (1) the words “ with simple imprisonment for a term which may extend to three months ” and the words “ or with both ” at the end of the sub-clause shall be deleted.’

“ Sir, what I feel with regard to this matter is this. There is already a fine to be imposed upon people who violate this Act. That being the case, there may be some very respectable people and even a fine will be sufficient in their case. If we are going to imprison them, we will be creating a sort of mentality in them which may afterwards be detrimental to the interests of the public. Therefore, with regard to people who are respectable it is much better that we confine ourselves to a fine and not imprisonment. I move the amendment, Sir.”

[14th September 1946]

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I second the amendment, Sir."

The amendments were put and lost.

Clauses 16 and 17.

Clause 16 was put and carried.

Clause 17 was put and carried.

Clause 18.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I withdraw my amendment, Sir."

Clause 18 was put and carried.

Clause 19.

Clause 19 was put and carried.

Clause 1.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. SRI R. RAGHAVA MENON :—" Mr. President, Sir, I now move—

' that the Bill be passed into law '

and in doing so, I do not think I need make any big statement, because the various clauses of the Bill have been thoroughly discussed on the floor of this House as well as the other House. I thank the House for the various valuable suggestions that have been made and they will be borne in mind, and as far as possible, they will be incorporated in the rules that will be framed under this Act."

The motion was put and carried.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Mr. President, Sir, while we came to this House for the consideration of these Bills, we quite knew our limitations. We knew that our attempts to introduce any amendments or improvements to these Bills would be abortive as the Hon. the Ministers were having always their eyes on the other House and thought that they would not be able to go back to that House at once. But still, Sir, we thought it our duty to move these amendments and also to make our suggestions during the general discussions of these Bills, and I feel sure we have done our duty to the best of our ability. It may not be said that all the amendments that we moved and all our suggestions are either unreasonable, or perverse, or eccentric or unworkable or impractical or unnecessary. Surely, Hon. Ministers would agree that some of our amendments are quite necessary and reasonable and I do realize that in view of the precarious position in which they are placed on account of the fact that the other House has been prorogued, the Government were not able to accept our amendments. I can only appeal to the Government now to take the earliest opportunity to bring in amending Bills in respect

14th September 1946]

[K. T. M. Ahmed Ibrahim Sahib Bahadur]

of all these Bills incorporating such of those suggestions which seem to them to be reasonable and necessary. I hope that they will take the earliest opportunity to do so and would not think that the whole matter is over with the passing of these Bills."

* MR. PRESIDENT :—" I have just to make an announcement to the House. The House will remember that on 6th August 1946, I made an announcement to the House appointing a Committee for considering amendments to the Rules of Procedure of the House. At that time it was thought advisable to have a Joint Committee of the Members of both Houses. Since that date, the Hon. the Speaker and myself have come to the conclusion that it is better for both the Committees to sit separately to discuss the rules purely as a matter of convenience. So, I beg to announce to the House that the Committee which was appointed on 6th August 1946 consisting of the following gentlemen will function hereafter as a separate Committee and go into the question of the amendments necessary for the Rules of Procedure of the House :—

- (1) President.
- (2) Deputy President.
- (3) The hon. Sri B. Veeraswamy.
- (4) Sri K. Madhava Menon.
- (5) Sri B. Narayanaswami Naidu.
- (6) Dr. T. S. S. Rajan.
- (7) Sri O. P. Ramaswami Reddiar.
- (8) Sri R. Suryanarayana Rao.
- (9) K. Uppi Sahib Bahadur.

" The Hon. the Minister for Public Health will move her motion now."

III. GOVERNMENT MOTIONS.

THE HON. MRS. LAKSHMIPATHI :—" Mr. President, Sir, I beg to move—

That the following draft of a rule proposed to be made by His Excellency the Governor of Madras under section 305 (1) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), amending Schedule V to that Act be approved :—

Draft Rule.

"In the said schedule, after clause (m), the following clause shall be inserted, namely :—

'(mm) brewing beer; manufacturing arrack or other spirits containing alcohol (whether denatured or not), by distillation.' "

" I should like to know, Sir, that since these two amendments to the Madras District Municipalities Act and the Madras Local Boards Act are identical, whether I could move both these amendments together."

MR. PRESIDENT :—" The Hon. the Minister may move them separately."